

# Medical and Adult-Use Home Cultivation of Cannabis

## *Frequently Asked Questions*

### Overview

This FAQ is intended to help and assist certified patients, designated caregivers, and adult-use cannabis consumers intending to engage in the home cultivation of cannabis, as well as others in the general public who may have questions about the home cultivation of cannabis generally and how it may affect them.

### General Questions

#### **1. When can I begin cultivating cannabis at home?**

As of October 5, 2022, patients who are certified by their health care provider for the medical use of cannabis and registered with the Office can cultivate cannabis at home.

From June 26, 2024, individuals over 21 who wish to cultivate cannabis at home for adult-use purposes can do so.

#### **2. What is considered a private residence?**

A private residence is any building or part of a building, or structure designed and occupied for residential purposes only. Individuals can only cultivate in their homes. They cannot cultivate in a hotel, motel, or any accommodation meant to be temporary or non-permanent.

#### **3. How many cannabis plants can I cultivate at one time at home?**

A certified patient, designated caregiver, or an adult-use cannabis consumer can plant 3 mature and 3 immature cannabis plants at any one time.

#### **4. How many plants can be cultivated at one residence?**

Certified patients, designated caregivers, and adult-use cannabis consumers are limited to cultivating the following quantity of plants, pursuant to Penal Law §222.15(1) and (2):

*Per person: 3 immature plants, 3 mature plants.*

*Per private residence: 6 immature plants, 6 mature plants.*

Adult-use and medical cannabis can only be grown by a person who is 21 year of age or older. There are no age exceptions made for medical patients.

**5. What’s the difference between “immature” and “mature” cannabis plants?**

“Immature” cannabis plants are cannabis plants which do not have flowers or buds that may be observed by visual examination. “Mature” cannabis plants are cannabis plants which have observable buds or flowers.

**6. Can more than one person cultivate adult-use cannabis in the same household?**

Yes. If more than one certified patient, designated caregiver, or adult cannabis consumer 21 years of age or older lives at the same private residence, they can all cultivate cannabis. However, they are still limited to cultivating no more than 12 cannabis plants (6 mature and 6 immature) at that residence at any one time.

**7. How much home cultivated cannabis can I possess?**

- ❑ Certified patients, designated caregivers, and adult-use cannabis consumers can individually possess 3 mature and 3 immature cannabis plants and up to 5 pounds of cannabis flower cultivated from such cannabis plants; or
- ❑ The equivalent weight of such cultivated cannabis in concentrated cannabis as determined by the Office and noted in FAQ number 9 below; or
- ❑ A mixture of both cannabis flower and the equivalent weight of cultivated cannabis in concentrated cannabis.

*Table 1: Possession Limits:*

<b>Possession Limits</b>	
Personal Cannabis Possession Limits (on your person)	No more than 3 ounces of cannabis flower and 24 grams of concentrated cannabis.
Home Cannabis Possession Limits (at the home premises)	No more than 5 pounds of cannabis flower.

Please note that if a person possesses more cannabis than the limits noted above, they may be subject to the criminal penalties in Article 222 of the Penal Law.

**8. What is the difference between the plant limit I can possess and the 5-pound weight limit I can possess?**

Cannabis plants that are in soil and growing, whether mature or immature, are counted towards the plant limit. A cannabis plant that is growing in soil can weigh more than 5 pounds and you shouldn't be concerned that the cannabis plant is violating any rules or laws. The 5-pound flower weight possession limit must be obeyed, however, when plants are trimmed and are no longer sustaining life in their growing medium, therefore no longer considered a live plant.

**9. What is the “equivalent weight” of cultivated cannabis in concentrated cannabis, and what does that mean?**

Based on Penal Law personal possession limits (Penal Law §222.05(1)), certified patients, designated caregivers, and adult-use cannabis consumers may possess 3 ounces of cannabis flower and 24 grams of cannabis concentrate on their person. Such persons may possess up to 5 pounds of cannabis flower and the equivalent weight of concentrated cannabis, which would be up to 22.5 ounces based on Penal Law possession limits (Penal Law §222.15(5)), in their home or residence. Such persons may also possess a mix of both cannabis flower and concentrated cannabis, which adds up to 5 pounds/22.5 ounces, in their home or residence.

*Table 2: Personal possession equivalent weights\*:*

Equals (=)	
3 ounces flower	24 grams concentrate
1 ounce flower	8 grams concentrate

*\* Possession limit and weights are based upon subdivision 1 of section 222.05 of the Penal Law.*

*Table 3: Home possession equivalent weights\*\*:*

Equals (=)	
5 pounds flower	80 ounces flower
80 ounces flower	640 grams concentrate
640 grams concentrate	22.5 ounces concentrate

*\*\* Possession limit and weights based upon subdivision 5 of section 222.15 of the Penal Law. The Office calculated the 5-pound concentrated cannabis equivalent weight limit based upon the variance included in subdivision 1 of section 222.05 of the Penal Law.*

**10. I just grew more than I anticipated. Can I sell the cannabis I've cultivated?**

No. No person may sell, barter, or exchange any cannabis or cannabis product to receive compensation of money or some other goods, unless they are appropriately licensed or registered to do so by the Office.

**11. Can I give a friend, family member, or neighbor cannabis?**

Yes. But, only up to 3 ounces of adult-use cannabis and up to 24 grams of concentrated cannabis can be given, without compensation of money or other goods, to another person 21 years of age and older, and specifically for medical use, only certified patients and designated caregivers may give up to those amounts and only to other certified patients. This includes both the cannabis you cultivate at home and the cannabis you purchase at a licensed retail dispensary or a registered medical dispensary.

**12. What is the proper method of disposal for unwanted, unneeded, excess, or contaminated adult-use cannabis plant material?**

Follow the written instructions for basic care and environmental considerations for the plants provided from the licensee authorized by the Office that provided the plants. If you have excess usable cannabis, it is also permissible to transfer, without compensation (give away), to a person 21 years of age or older, up to 3 ounces of cannabis and up to 24 grams of concentrated cannabis. Home cultivators must remain mindful of lawful possession limits.

**13. Do all cannabis plants count toward the plant limits?**

No. Only female cannabis plants are counted toward plant limits.

**14. How can I distinguish between Male and Female Cannabis Plants?**

Male plants and hermaphroditic plants are typically utilized for breeding purposes or removed from cannabis gardens completely to avoid cross pollination. The sex of the plant is important to know as female plants in particular are cultivated for cannabis consumption. Male plants are used specifically for breeding different cannabis cultivars (strains) and female plants are preferred for consumption purposes due to their higher yield of cannabinoids.

Telling the difference can be tricky, so here are a few questions for when identifying your plant:

- Do you see small hairs on the bract? It looks like a small leaf where the leaves and branches extend? If yes, it's female.

- ❑ Do you see an anther or a pollen sac between the main stem and a branch? It will look like a small ball. If so, it's male.
- ❑ There are also hermaphrodite cannabis plants that produce both male and female reproductive organs. These are considered similar to male plants in that they can germinate other plants as well as themselves and not ideal for consumption.
- ❑ If you have male plants or are still waiting to identify their sex, keep them away from your female plants to avoid cross-pollination and seeds in your female plants.

The Home Cultivation Guide issued by the Office in the near future, can offer additional tips on how to differentiate plant variances.

### **15. What happens if my plant turns out to be a male plant?**

If you begin your cultivation from seed and it produces a male cannabis plant, you can cultivate an additional immature plant to replace it.

### **16. What should I do with my male plant?**

If you have a male plant, you can either destroy the plant and replace it with a female plant or you can keep the plan and breed it to create different cannabis cultivars (strains).

**Please note** if you keep your male plant, it will not count toward the plant limit.

### **17. When can immature plants be transitioned to mature plants?**

There are 4 stages in the cannabis lifecycle prior to harvest– germination, seedling, vegetation, and flowering. Cannabis plants are considered immature from germination through vegetation. Plants are considered mature once trichomes have fully developed on the cannabis buds in the flowering stage. Trichomes develop in shape by forming mushroom-like structures and in color from clear, milky white to amber. Cannabis is typically harvested when trichomes turn milky white or amber, based on the effects the cultivator is looking to achieve.

## **Medical Cannabis Certified Patients and Designated Caregivers**

### **18. Who can legally home cultivate medical cannabis?**

Only certified patients and designated caregivers 21 years of age or older, registered with the medical cannabis program, can cultivate medical cannabis at home.

**19. How do I become a certified patient?**

To become a certified patient in New York’s medical cannabis program, please visit:  
<https://cannabis.ny.gov/patients>.

**20. Can certified patients under the age of 21 cultivate medical cannabis at home?**

No. Section 222.15(1)(c) of the Penal Law prohibits any person under the age of 21 from planting, cultivating, harvesting, drying, processing, or possessing cannabis plants. Although certified patients ages 18-20 years old can purchase manufactured medical cannabis products from a medical dispensary, they cannot purchase plants or seeds or cultivate their own medical cannabis. To participate in home cultivation, patients under the age of 21, or whose physical or cognitive impairments prevent them from cultivating cannabis, would need to designate a caregiver to cultivate medical cannabis on their behalf.

**21. Can a certified patient and their designated caregiver both grow medical cannabis for the patient’s use?**

No. Only one person can cultivate on behalf of a certified patient. If a designated caregiver is cultivating on behalf of the patient, then the patient cannot grow any portion of their allotted plants for themselves.

**22. Can a designated caregiver charge a certified patient for home cultivation of their medical cannabis?**

No. However, a designated caregiver can be reimbursed for the costs of goods, materials, or utilities for which they have incurred expenses related to the home cultivation of medical cannabis. Caregivers cannot be reimbursed for their time, knowledge, or expertise.

**23. Is there a limit on how many patients a caregiver can cultivate for?**

Yes. A designated caregiver can home cultivate medical cannabis for up to 4 patients, however, a caregiver cannot cultivate more than 12 plants (6 mature and 6 immature) in total at their private residence, at any one time, if cultivating for multiple patients.

**24. Can I be a designated caregiver if I am also a certified patient?**

Yes. A certified patient can also serve as a designated caregiver. However, at no point can a person, whether also cultivating for themselves or others, possess more than 12 plants (6 mature and 6 immature) at their private residence.

**25. Can a designated caregiver home cultivate at the certified patient’s private residence?**

Yes. A designated caregiver can cultivate cannabis at the certified patient’s private residence.

**26. What are some differences between buying and cultivating your own medical cannabis?**

*Table 4: Buying medical cannabis vs. cultivating your own medical cannabis:*

	<b>Purchasing Medical Cannabis</b>	<b>Home Cultivating Medical Cannabis</b>
<b>Age to Purchase</b>	18 years and up	21 years and up
<b>Final Product Safety and Potency Testing</b>	Required	Not required
<b>Product Forms for Purchase</b>	Capsules, Tinctures, Chewable Gels, Chewable Tablets, Drink Mixes, Vape Cartridges/Pens, etc.	Immature plants and seeds
<b>Availability</b>	Variety of products available at all medical dispensary locations	Plants/seeds offered at RONDs* and RODs**

*\*Registered Organization Non-Dispensing*

*\*\*Registered Organization Dispensing*

## **Cultivation Locations and Safe Storage**

**27. What is considered acceptable secure storage of cannabis plants for home cultivation by an adult?**

All cannabis plants must be stored in a secure location within or on the grounds of the residence occupied by the adult resident, owner, or tenant. Reasonable measures must be taken to ensure that any home cultivated cannabis is not accessible to unauthorized persons or anyone under the age of 21.

Reasonable measures can include, but are not limited to, conducting cannabis cultivation in an enclosed area, not plainly visible from public view. Securing cannabis plants can include, but not be limited to, utilizing locks, gates, doors, fences, or other barriers to prevent unauthorized access.

### **28. Can I cultivate cannabis outdoors?**

Yes. Cannabis can be lawfully grown both inside and outside of an adult's private residence. This includes non-shared outdoor areas that the person has legal rights to, provided that the external areas are adjoined and adjacent (next to) to their private residence.

### **29. What does it mean to “not be plainly visible from public view”?**

Cannabis plants for home cultivation must not be plainly visible to public view, which means that cultivation must be enclosed or behind gates, doors, fences, and/or other barriers that prevent the cannabis plants from being viewed by persons who are not on the property.

### **30. Can a landlord refuse to lease to a person 21 and older for cultivating adult-use cannabis, or to a patient or caregiver for cultivating medical cannabis?**

No, in most cases. A landlord cannot refuse to lease, or otherwise penalize a certified patient, designated caregiver, or an adult 21 years of age or older solely for engaging in cannabis activity as authorized by the Cannabis Law and regulations. They also cannot include in their lease agreements a ban on cannabis use, possession, and personal cultivation unless it would cause the landlord to lose a federal benefit.

Co-op buildings and condominium associations are permitted to implement general odor mitigation policies that could impact home cultivation of cannabis 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.

### **31. My landlord has a no smoking policy, does this apply to cannabis too?**

Yes. A landlord can implement a smoke free policy which would prohibit you from smoking or vaping cannabis in your unit. This does not prevent you from consuming other forms of non-combustible medical or adult-use cannabis.

### **32. What protections are in place for landlords leasing to a person who is home cultivating cannabis?**

An adult who is home cultivating cannabis can be held liable for any property damage that is outlined in their lease agreement, among other potential damages. Landlords can implement a smoke free policy, including prohibiting smoking and vaping of cannabis, but cannot restrict the use of cannabis in other forms. A landlord can prohibit all forms of

cannabis if failing to do so would put them at risk of losing a monetary or licensing related benefit under federal laws or regulations.

**33. I only have access to shared outdoor space, am I allowed to cultivate cannabis in common areas?**

No. Cultivating cannabis, whether it's for medical or adult-use, in common areas is not permitted.

**34. My house is next to a church or school – am I still allowed to cultivate cannabis here?**

Yes. You may cultivate cannabis if your house is next to a church or school provided that all rules, including safety and storage rules, are followed.

## **Municipalities and Local Governments**

**35. Can my municipality or local government prohibit me from cultivating cannabis on my property?**

No. Pursuant to Penal Law §222.15(6)(b), no municipality or local government has the authority to completely prohibit a person from engaging in the home cultivation of cannabis. However, municipalities and local governments can create reasonable additional laws or regulations that place further requirements upon residents cultivating cannabis at their private residences.

**36. If my municipality has opted out of allowing adult-use retail dispensaries and/or on-site cannabis consumption businesses, does that mean I cannot cultivate adult-use cannabis at home?**

No. Even if a local government has opted out from adult-use retail dispensaries and/or on-site consumption, they cannot restrict an adult's right to home cultivate adult-use cannabis.

## **Cannabis Home Cultivation Supplies**

**37. Where can seeds or plants for home cultivation of cannabis be purchased?**

Adult-use cannabis consumers 21 years of age and older can purchase seeds or immature plants for adult-use cannabis home cultivation from an adult-use cannabis retail dispensary, microbusiness, or registered organization with dispensing (ROD). Please contact the licensee or registrant before visiting to confirm availability.

Certified patients and designated caregivers can purchase seeds or immature plants for medical home cultivation from a ROD or a registered organization non-dispensing (ROND).

**38. Are cannabis plants and seeds for home cultivation of cannabis required to be tested for safety compliance?**

No. Licensed entities and registrants are not required to test plants and seeds for home cultivation for safety purposes prior to sale, however they may voluntarily choose to do so. In addition, any pesticides used in the cultivation process are required to be disclosed on the plant or seed label prior to being sold.

**39. Will I be provided with any safety information to home cultivate cannabis?**

Yes. Certified patients, designated caregivers, and adult-use cannabis consumers will be provided with a safety insert at the time of sale, as a requirement of section 115.4 of Part 115, Personal Home Cultivation regulations.

**40. Will the cannabis plants come with care instructions?**

Yes. Licensed entities and registrants are required to supply written instructions for the basic care of cannabis plants. This can include the amount of light, water, and temperature controls a plant may require and methods for destruction.

**41. Can I clone my own cannabis plant to make additional plants?**

Yes. Nothing prohibits a consumer from cloning their own plant to make additional plants, as long as your plant count does not exceed the plant limits.

**42. What are some differences between buying and cultivating your own cannabis?**

Some of the differences between buying and cultivating your own cannabis may include, but are not limited to:

*Table 5: Differences between buying and cultivating your own cannabis:*

<b>Cultivating your own cannabis</b>	<b>Purchasing from a licensed dispensary</b>
The ability to control the cultivation conditions (i.e. plant nutrients, plant media, deciding when to harvest, properly curing your cannabis).	Ability to access multiple product types, formulations and serving sizes.
May reduce cost and packaging for cannabis enthusiasts that consume regularly.	Ability to access lab testing results via a Certificate of Analysis (COA).
Ability to explore the intricacies of cannabis cultivation.	Ability to support your local community with tax revenue developed from purchased cannabis products.
Requires careful consideration of growing conditions, including energy use if growing indoors or in a controlled environment, and other environmental conditions, including soil, moisture, humidity, and pest control.	Ability to purchase and experience smaller package sizes without committing to a full harvest of an untested cultivar.

**43. Can I use the cannabis that I cultivate to make other cannabis products like butter, oils, or baked goods like cookies?**

Yes. You may use the cannabis that you cultivate to make cannabis concentrates (such as butters or oils). Consumers are prohibited from processing cannabis at home using any volatile gasses like propane. The Office recommends doing extensive research on safe extraction methods for home processing of cannabis prior to beginning any home cultivation activities.

*Table 6: Cannabis processing methods:*

<b>Cannabis Processing Methods</b>				
<b>Allowed: Mechanical Extractions</b>	<i>Agitation</i> Ex: Grinders or Ice Water Hash	<i>Infusion</i> Ex: Oils, Butters, Ghee	<i>Fermentation</i> Ex: Cannabis fermented in grain alcohol to create tinctures	<i>Heat and Pressure</i> Ex: Rosin press
<b>Prohibited: Flammable Extractions</b>	<i>Heated Ethanol Extractions</i> Fire risk. Exposure to vapors without proper ventilation can irritate and damage the lungs and create significant fire hazards.		<i>Volatile Gas Extractions</i> Explosion risk. Such gases include hydrocarbons like butane, propane, or hexanes due to their associated risk of explosion.	

#### 44. What can be done to mitigate cannabis odor from home cultivation?

Adhering to the legal amount of plant limits will help maintain a cannabis odor that is manageable. Consistently regulating temperature, humidity, lighting, ventilation, air filtration and circulation can also help mitigate odor.<sup>1</sup>

*Table 7: How Home Cultivation Technology Can Impact or Control Cultivation-Related Odors:*

<b>Lighting</b>	Lighting for indoor cultivation can contribute to a rise in temperature and humidity. Fluorescent and LED lights produce less heat than high-pressure sodium (HPS) lights.
<b>Air Circulation</b>	Establishing proper air flow can help reduce concentrated odor. Basic oscillating fans make a great addition to cultivation tents and rooms. Ideally, fans should be placed both above and below the plants' canopy.
<b>Air Filtration</b>	Adding well-sealed carbon or other types of high-efficiency filters to exhaust vents for grow tents and rooms can help significantly reduce odors from plants grown in a confined environment.
<b>Negative Pressure Environment</b>	A negative pressure environment is created when more air is exhausted out of the cultivation space than the amount of air that is supplied in. This creates a seal that stabilizes temperature and humidity while reducing odor. <sup>2</sup>
<b>Ventilation</b>	Venting indoor air to the outside at a ground level instead of through the roof or high-placed vent may help minimize the spread of odor.
<b>Proximity</b>	If possible, placing your cultivation operations in a location that provides a buffer zone to other neighboring residents and businesses can aid with reducing odor impacts off-site.

#### 45. What is considered approved odor mitigation technology by the office?

At this time, approved odor mitigation technology for indoor home cultivation includes activated carbon filtration, vapor-phase systems and cultivation tents, cabinets or similar enclosed structures equipped with activated carbon filtration systems.

Approved odor mitigation technology for outdoor home cultivation includes strategic plant placement, companion planting, and activated carbon filtration and vapor-phase systems for enclosed structures such as greenhouses.

In addition to approved odor mitigation technologies for indoor and outdoor cultivation, there are many odor mitigation technologies that are advised to include in an overall home cultivation odor management plan. These technologies are not sufficient to mitigate odor on their own, which is why they are not approved technology, and are

instead advised to be used along with approved technology. Some technologies are only suitable for indoor, outdoor, or outdoor enclosure cultivation.

It should be further noted that any odor mitigation, whether through natural or mechanical means, is required to adhere to all state and local municipal code requirements, including all fire, electrical, and other safety codes.

Reference the chart below for approved and advised methods of odor management.

*Table 8: Odor Mitigation Methods Approved and Advised for Indoor, Outdoor and Outdoor (Enclosed) Home Cultivation:*

<b>Odor Mitigation Method</b>	<b>Indoor</b>	<b>Outdoor</b>	<b>Outdoor (Enclosed)</b>
Activated Carbon Filtration	Approved	Not suitable	Approved
Vapor-Phase System	Approved	Not suitable	Approved
Companion Planting	Advised	Approved	Approved
Proximity Planting/Strategic Cultivation Location	Advised	Approved	Approved
Air Purifier	Advised	Not suitable	Advised
Heating, Ventilation, Air Conditioning (HVAC) and Dehumidification Systems	Advised	Not suitable	Advised as applicable
Oscillating Fans, Intake Fans, Extractor Fans and Ducting	Advised	Not suitable	Advised
Vents	Advised	Not suitable	Advised
Lighting and Temperature Control	Advised	Not suitable	Advised
Olfactometer	Advised	Advised	Advised
Masking Agents	Advised	Not suitable	Advised
Low-Odor Strains	Advised	Advised	Advised
Strategic Planting Times	Advised	Advised	Advised
Wind Direction Awareness	Not suitable	Advised	Advised

*-Odor Mitigation Methods are subject to change by the Office at any time-*

**46. Are there odor control methods that should be avoided?**

Yes. Evidence suggests Ozone generators should be avoided due to their potential adverse health and environmental side effects. Use of these generators may lead to lung irritation along with other respiratory issues.<sup>3</sup> To preserve air quality, chemical masking agents should also be avoided. Home growers should carefully evaluate any odor control method they intend to use for potential adverse health and environmental side effects.

#### **47. Are air purifiers recommended for odor control?**

Yes. To achieve optimal odor control, HEPA (high efficiency particulate air) purifiers are advised to be used alongside with other odor mitigation technologies.<sup>4</sup> Air purifiers on their own may not be powerful enough to control cannabis odor.<sup>5</sup>

#### **48. What masking agents can be used for cannabis odor?**

Odor neutralizing sprays can be beneficial for masking odors. It is advisable to opt for natural-based sprays, like plant-based or essential oil-based sprays, when possible. Sprays should be used outside of the cultivation area or structure. For indoor cultivation, candles, essential oils, and incense are great options as well.

#### **49. Can companion plants help neutralize cannabis odor?**

Yes. Planting terpene-rich herbs and flowers like lavender, lemon balm, and basil can help neutralize odor. Incorporating companion plants can also benefit soil health, keep your grow discreet, and deter pests.<sup>6</sup>

#### **50. What other techniques can help with odor control when cultivating in a tent, cabinet, or similar enclosed structure?**

Additional odor control techniques used in cannabis cultivation may include using a smell-proof tent or installing curtains to help contain odors in a given area. When cultivating in a tent, cabinet, or similar enclosed structure, it is important to prevent odor leakage by creating an airtight environment by sealing gaps and cracks and checking the structure has proper ventilation in and exhaust out, with the use of a carbon filter.<sup>7</sup> Ensuring regular maintenance of odor mitigation technologies and replacing carbon filters is crucial.

#### **51. How do I reduce the likelihood of an odor complaint?**

If you receive an odor complaint from a neighbor, landlord, or the municipality you reside in, you are required to utilize one or more of the odor mitigation measures approved by OCM to ensure you are not creating a nuisance to others around or near you and your private residence.

It is recommended that consumers engaging in cannabis home cultivation utilize odor mitigation measures before odor could potentially become a nuisance to neighbors and others living or conducting business nearby.

## Safety and Security

### **52. How do I enhance the safety of my home cultivation setup?**

It is highly recommended, especially if you are cultivating indoors or in a lighted greenhouse, that you ensure your home or residence's electrical service is up to date and in compliance with all state and local code requirements. Overloading or misusing any electrical circuit may lead to a fire.

If you are in doubt or have questions about your electrical service, it is recommended you have a qualified electrician inspect the electrical service and any lighting and/or electrical systems you intend to use in your cannabis home cultivation setup.

It should be noted that all aspects of a home cultivation setup are required to adhere to all state and local municipal code requirements, including all fire, electrical, and other safety codes.

### **53. What type of lighting should I use for my indoor cultivation setup?**

It is highly recommended that certified patients, designated caregivers, and adult-use cannabis consumers utilize light emitting diode (LED) lighting for cannabis home cultivation setups. Although high-pressure sodium (HPS) and metal halide (MH) lights were previously utilized by some cultivators, HPS and MH lights use vastly more energy than LEDs or fluorescent lights. Besides HPS lights' lack of efficiency, their secondary impact is the additional heat they create, which increases a plant's rate of transpiration. Superfluous transpiration increases the need for additional dehumidification as excess humidity can negatively impact plant growth and may encourage the growth of pathogens like mold and mildew on cannabis plants, as well as within a structure.

### **54. What methods will help avoid mold and other microbial growth in an indoor cultivation?**

Mold and other microbes thrive in warm, damp environments. This is especially true when such conditions exist where there is wood and other permeable building materials. It is recommended certified patients, designated caregivers, and adult-use cannabis consumers cultivating indoors avoid cultivating inside spaces which contain wood and other permeable building materials, operate efficient low-heat LED lighting, utilize dehumidification through ventilation and/or machine-driven means, ensure proper air flow with fans for plant health and microbial reduction, use air conditioning if necessary, and adhere to a consistent watering schedule.

### **55. How do I keep my cannabis plants safe from theft and damage from others?**

It is recommended that all certified patients, designated caregivers, and adult-use cannabis consumers engaged in the home cultivation of adult-use or medical cannabis take reasonable measures to secure the cannabis plants they are cultivating, whether outdoors or indoors. Reasonable measures can include, but are not limited to, conducting cannabis cultivation in an enclosed area, not plainly visible from public view. Securing cannabis plants can include, but not be limited to, utilizing locks, gates, doors, fences, or other barriers to prevent unauthorized access.

It is also recommended certified patients, designated caregivers, and adult-use cannabis consumers avoid discussing the presence of their home cultivation setup to prevent potential thefts.

### **56. How should I store my cannabis flower and products after I harvest from my plants?**

It is highly recommended that certified patients, designated caregivers, and adult-use cannabis consumers store all cannabis flower and cannabis products, whether cultivated at home or purchased at a licensed dispensary, in a locked container, lockable drawer or other securable space. It is not enough to keep them out of reach—they should be locked and out of sight to prevent people under the age of 21 from accessing cannabis. Be mindful to clean up any flower that has been ground, crumbs, lighters, or matches that may be left out after you consume.

## **Other/ Miscellaneous**

### **57. How was home cultivation of cannabis allowed in New York State?**

On March 31, 2021, the State Legislature passed, and the Governor signed the Marihuana Regulation and Taxation Act (MRTA) which, among many things, authorized the home cultivation of both medical and adult-use cannabis, pursuant to section 222.15 of the Penal Law. The MRTA included a delayed rollout of the home cultivation of cannabis – 6 months following the enactment of the MRTA for medical cannabis home cultivation and 18 months following the first authorized retail sale of adult-use cannabis products to a cannabis consumer for adult-use cannabis home cultivation. The first authorized adult-use cannabis retail sale was on December 29, 2022.

Penal Law provisions further tasked OCM to formulate regulations surrounding the home cultivation of cannabis. The final regulations for home cultivation of medical cannabis were adopted on October 5, 2022, under Part 115 of Title 9 of New York's Codes, Rules and Regulations (9 NYCRR Part 115), which authorized certified patients or their designated caregivers to grow medical cannabis in their homes. On February

16, 2024, the Cannabis Control Board met to consider and approve proposed regulations that would allow the home cultivation of adult-use cannabis. These regulations would revise 9 NYCRR Part 115, the medical cannabis home cultivation regulations, to also include a regulatory scheme that regulates the home cultivation of adult-use cannabis.

On June 11, 2024, the revised Personal Home Cultivation Regulations were adopted by the Board following the public comment period. Such regulations provide for the home cultivation of adult-use cannabis and made minor revisions to home cultivation of medical cannabis.

**58. How do I file a complaint if a neighbor or someone nearby is causing issues with their home cultivation of cannabis?**

Please try to resolve any possible conflicts with your neighbors through friendly conversation and understanding. Cultivating cannabis at home is legal, provided that the person cultivating it is following all state laws and regulations, and any applicable local laws and regulations. If a person is in violation of the law or regulations related to home cultivation of cannabis and it is affecting you, your safety or your property, you may want to consult an attorney or law enforcement about your options. If a person is in violation of local laws or regulations related to home cultivation of cannabis, it is recommended you contact your local municipality.

**59. How do I respond to or manage complaints about odor from neighbors?**

If your cannabis cultivation is emitting odor, you are required by regulation to take reasonable measures to mitigate such odors to prevent a nuisance to neighbors.

**60. How do I respond to unfair discrimination based on cannabis possession, use, and home cultivation?**

Cannabis possession, use, and lawful home cultivation are protected rights under Penal Law §222.05, and no person, including a landlord, may limit those rights. If you believe that you are being unfairly targeted or discriminated against because of your cannabis possession, use, or legal home cultivation, it is recommended you contact the [New York State Attorney General's Office](#).

**61. Where do I go for additional questions or concerns about cultivating cannabis plants or seeds?**

Please refer to the written instructions provided by licensed entities and registrants or contact them directly. Also, please refer to the Home Cultivation Guide issued by the Office.

## 62. Where do I go for additional questions about the laws and regulations pertaining to personal home cultivation of cannabis?

Please visit the OCM website, email the Office of Cannabis Management at [Regulations@ocm.ny.gov](mailto:Regulations@ocm.ny.gov), or call 1-888-OCM-5151 (1-888-626-5151).

### References

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