



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

FELICIA A. B. REID

Acting Executive Director

No. 2024-84
June 11, 2024

RESOLUTION TO ESTABLISH A PROCEDURE FOR RESPONSES TO MUNICIPAL OPINIONS

WHEREAS, pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organizations with dispensaries, or for on-site consumption within the State;

WHEREAS, Section 76(4) of the Cannabis Law (Cannabis Law 76(4)) provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board’s issuance for a license authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion;

WHEREAS, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board;

WHEREAS, pursuant to Section 10(23) of the Cannabis Law, the Board may delegate its functions, powers and duties to the Executive Director of the Office of Cannabis Management (Office) subject to certain exceptions;

WHEREAS, to facilitate the Board’s timely response to municipal opinions, a process for the provision of responses is required; now, therefore, be it

RESOLVED, if the Board is in timely receipt of an Opinion from a Municipality or Community Board under 9 NYCRR 119 against the issuance of a license to an applicant, the Board shall provide a written response to the Opinion pursuant to Cannabis Law 76(4) within a reasonable time following the Board’s approval or denial that is issued on or after the date hereof of the application for a license which is the subject of the Opinion;

RESOLVED, if the Board timely received an Opinion from a Municipality or Community Board against the issuance of a license to an applicant that has received the Board’s approval that is issued prior to the date hereof of the application for a license which is the subject of the Opinion, the Board shall provide a written response to the Opinion within a reasonable time following the date hereof.

BE IT FURTHER RESOLVED, the Board hereby delegates its authority to the Office, effective immediately, to issue a response as depicted in the form “Attachment A”, to a Municipality and Community Board that has expressed an Opinion in favor of the issuance of a license to an applicant that has received the Board’s approval



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that has been issued prior to the date hereof and that is issued hereafter of an application for a license which is the subject of the Opinion;

BE IT FURTHER RESOLVED, such Board response shall address and explain its review of specific items addressed by the Opinion;

BE IT FURTHER RESOLVED, that, this procedure, including its enumerated timeframes, shall apply to Municipal Opinions received by the Board prior to and following the date of this resolution.



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Attachment A

[DATE]

SENT VIA EMAIL

[Municipality Name]

[Municipality Address]

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear [Municipality/Community Board Name]:

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board’s issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about [DATE], the Board received an Opinion from your office in support of granting a license to [BUSINESSNAME]. The Opinion was reviewed and considered by the Board, and pursuant to the Cannabis Law and related regulations, license [NUMBER] was approved for [BUSINESSNAME] located at [ADDRESS].

[ADD OPINION SPECIFIC RESPONSE TO BE TAILORED TO ANY QUESTIONS OR ISSUES RAISED IN MUNICIPAL OPINION, IF APPLICABLE]

[ADD LANGUAGE IF DELAY IN RESPONDING] Thank you for your patience while your opinion was being reviewed and this response was being formulated.

If you have any questions regarding this letter, please contact the New York State Office of Cannabis Management at municipalities@ocm.ny.gov.

Sincerely,

Tremaine Wright



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