



IMPORTANT CONSIDERATIONS FOR CANNABIS CULTIVATION

THINGS TO KNOW:

CAN A LICENSED CULTIVATOR SELL ADULT-USE CANNABIS CLONES, SEEDLINGS, IMMATURE CANNABIS PLANTS, CLONED PROPAGATION MATERIAL, OR TISSUE CULTURE TO LICENSED CANNABIS RETAILERS FOR CONSUMER SALES?

No. No licensed cultivator may sell cannabis clones, seedlings, immature cannabis plants, cloned propagation material, or tissue culture to any licensed adult-use retail dispensary, microbusiness, or registered organization with dispensing (ROD) if the licensed cultivator does not also hold a nursery license. Only nurseries that will be licensed by OCM are authorized to sell such cannabis plants and materials to such licensees, pursuant to the Cannabis Law and 9 NYCRR Part 115.

CAN AN ADULT-USE LICENSED CULTIVATOR, RETAIL DISPENSARY, MICROBUSINESS, OR ROD LICENSE GIVE AWAY CANNABIS CLONES, SEEDLINGS, IMMATURE CANNABIS PLANTS, CLONED PROPAGATION MATERIAL, OR TISSUE CULTURE TO THOSE SEEKING TO CULTIVATE CANNABIS?

No. Licensees cannot give away, including through donation, any cannabis or cannabis products, to any other licensee, entity, or person.

CAN A LICENSED CULTIVATOR SELL ADULT-USE CANNABIS CLONES, SEEDLINGS, IMMATURE CANNABIS PLANTS, CLONED PROPAGATION MATERIAL, TISSUE CULTURE, OR SEEDS DIRECTLY TO CONSUMERS?

No. Direct or indirect consumer sales of any cannabis, including cannabis clones, seedlings, immature cannabis plants, cloned propagation material, tissue culture, or seeds, as well as cannabis flower by licensed cultivators, is prohibited.

CAN AN INDIVIDUAL WITH AN ACTIVE NURSERY GROWER CERTIFICATE OF REGISTRATION FROM THE DEPARTMENT OF AGRICULTURE AND MARKET'S DIVISION OF PLANT INDUSTRY START GROWING ADULT-USE CANNABIS PLANTS TO SELL TO LICENSED CANNABIS RETAILERS FOR CONSUMER SALE?

Not yet. Nurseries certified and registered by the Department of Agriculture and Markets must also secure a nursery license from the Office of Cannabis Management before propagating cannabis plants. The licensing window for cannabis nurseries has not yet been opened. Please stay tuned to the Office's website, cannabis.ny.gov, and sign up for email notifications for updates.

CAN AN ADULT-USE RETAIL DISPENSARY, MICROBUSINESS, OR ROD LICENSEE SELL CANNABIS SEEDS TO ADULT-USE CONSUMERS?

Yes. Provided, however, all cannabis seeds for sale to adult-use consumers must be obtained from a nursery licensed by OCM and labeled in a way that is consistent with the requirements of subdivisions A and C of section 137 of the Agriculture and Markets Law. Additionally, Part 115 includes labeling, reporting and recordkeeping requirements that must be met.

IF A BUSINESS SELLS PLANTS AND HAS AN ACTIVE NURSERY DEALER CERTIFICATION FROM THE DEPARTMENT OF AGRICULTURE AND MARKET'S DIVISION OF PLANT INDUSTRY, CAN IT SELL ADULT-USE CANNABIS PLANTS OR OTHER CANNABIS MATERIALS DIRECT TO CONSUMERS OR LICENSED CANNABIS RETAILERS?

No. Only licensed and authorized adult-use retail dispensary, microbusiness, and RODs are allowed to sell adult-use cannabis plants to consumers. However, businesses may sell other goods to assist consumers with their home cultivation, such as soil, fertilizer, raised garden bed kits, growing containers, hydroponics, lighting, or other similar materials, provided the businesses are authorized to sell such products under any other applicable state or local laws or regulations.

CAN AN ADULT-USE RETAIL DISPENSARY, MICROBUSINESS, OR ROD LICENSEE SELL ADULT-USE CANNABIS CLONES, SEEDLINGS, IMMATURE CANNABIS PLANTS, CLONED PROPAGATION MATERIAL, OR TISSUE CULTURE DIRECTLY TO CONSUMERS?

Yes. Retail dispensaries, microbusinesses, and RODs can sell cannabis clones, seedlings, immature cannabis plants, cloned propagation material, and tissue culture as long as they are obtained from nurseries, once such nurseries are appropriately licensed by OCM and such retailers obtain a Nursery Dealer Certificate of Registration from the Department of Agriculture and Market's Division of Plant Industry. Further, such dispensaries, microbusinesses, and RODs will be required to update their standard operating procedures to include activities related to personal home cultivation. Please stay tuned to the Office's website for updates and sign up for email notifications at cannabis.ny.gov for when the application window for a nursery license opens.

CAN A ROD OR A ROND LICENSEE SELL CANNABIS SEEDS, CLONES, IMMATURE CANNABIS PLANTS, AND TISSUE CULTURE TO CERTIFIED PATIENTS AND DESIGNATED CAREGIVERS?

Yes. Provided, however, all cannabis seeds, clones, or immature cannabis plants, and tissue culture for sale to certified patients and designated caregivers must be labeled in a way that is consistent with the requirements of subdivisions A and C of section 137 of the Agriculture and Markets Law, and consistent with the requirements of 9 NYCRR Part 115. The ROD, ROND, or RO must also have an active Nursery Grower Certificate of Registration from the Department of Agriculture and Market's Division of Plant Industry. ROD licensees operating co-located dispensaries can only sell seeds to medical cannabis patients at the co-located dispensaries.

For further information regarding the nursery licensing timeline, please continue to monitor the **OCM website** for updates. You can also add your name to our mailing list to receive automatic updates from the Office of Cannabis Management. OCM licensees seeking additional information can find it on the **OCM FAQ document**.