

Pursuant to the authority vested in the Cannabis Control Board by Sections 10, 13, and 64 of the Cannabis Law, Chapter II of Subtitle B of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York is hereby amended to be effective upon publication of a Notice of Adoption in the New York State Register, as follows:

Paragraph (88) of subdivision (a) of section 118.1 is repealed and paragraphs (89) through (107) are renumbered to (88) through (106).

Subdivision (b) of section 119.4 is amended to read as follows:

(b) Upon request by a provisional licensee, whose proposed location for their licensed premises has been denied by the Office, based on the distance requirements described in paragraph (1) and (2) of subdivision (a) of this section, t[T]he Board may [determine that] grant[ing] a license for a premises in such location if the Board determines that it would promote public convenience and advantage as described in paragraphs (1) and (2) of subdivision (a) of this section and in accordance with criteria set forth in a request submission procedure which the Board shall establish and update as needed. [by considering the following factors, which include:

- (1) the number, classes, and character of other licenses in proximity to the premises and in the particular municipality or subdivision thereof;
- (2) evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies;
- (3) whether there is a demonstrated need for such license;

- (4) effect of the grant of the license on pedestrian or vehicular traffic, and parking, in proximity to the premises;
- (5) the existing noise level at the premises and any increase in noise level that would be generated by the proposed premises;
- (6) the history of cannabis violations and reported criminal activity at the proposed premises;
and
- (7) any other factors specified by law or regulation that are relevant to determine that granting a license would promote public convenience and advantage of the community.]