



Office of Cannabis Management

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HOPE KNIGHT

Board Member

CRYSTAL J. RODRIGUEZ DABNEY

Board Member

JENNIFER GILBERT JENKINS

Board Member

FELICIA A. B. REID

Acting Executive Director

Meeting Minutes

Title:	New York State Cannabis Control Board Meeting
Time & Date:	September 10, 2024 at 11:00 AM
Location:	Roswell Park Comprehensive Cancer Center, Research Science Bldg., Gaylord Cary Board Room, 665 Elm Street, Buffalo, NY 14263, SUNY Morrisville, Bicknell Hall, Room 212, 80 Eaton St., Morrisville, NY 13408 and Virtual via Webcast

Attendance

Board Chair:	Tremaine Wright
Board Members Present:	Jessica Garcia, Adam W. Perry
Board Members Present (virtually):	Jennifer Gilbert Jenkins
Board Members Absent:	Hope Knight
Others Present:	Linda Baldwin, John Kagia, Patrick McKeage, Tabatha Robinson
Others Present (virtually):	Felicia A. B. Reid, Maggie Cowee

Agenda

- I. Call to Order
- II. Welcome and Opening Remarks
- III. Approval of Meeting Minutes from August 6, 2024 Board Meeting
- IV. Consideration of Adult-Use Applications for Approval
- V. Consideration of Conditional Adult-Use Applications for Denial
- VI. Consideration of Delegation for Certain Adult-Use Applications for Denial
- VII. Consideration of Adult-Use Applications for Denial
- VIII. Consideration of Municipal Opinion Responses
- IX. Consideration of Adult-Use Licensee Location Changes
- X. Consideration of Public Convenience and Advantage Proposed Regulations
- XI. Consideration of Emergency Cannabis Enforcement Regulations
- XII. Consideration of Amendment Fee Waiver for Cannabis Licensee Amendment Requests
- XIII. Office of Cannabis Management Report
- XIV. Public Comment
- XV. Adjourn



Action Items

Table with 3 columns: Resolution No., Description, and Outcome. Rows include resolutions 2024-90 through 2024-98.

Notes & Comments

- Chair Wright stated that this summer proved to be a busy season here in New York. She noted that they now have over 180 licensed dispensaries operating throughout the state...



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(NYS) team that learns from experience and is willing to adjust. She further stated that today, for the first time, they are going to consider their location change amendments for adult-use licensees, further proof that they are continuing to adapt to the evolving needs of this cannabis market.

- Upon a motion from Board Member Adam Perry, and a second from Board Member Jessica Garcia, the Minutes of the August 6, 2024 Cannabis Control Board (“CCB” or the “Board”) Meeting were approved unanimously.
- Patrick McKeage, Chief Operating Officer for the Office of Cannabis Management (“OCM” or the “Office”), provided an overview of Resolution No. 2024-90, a Resolution to Issue Certain Adult-Use Cannabis Licenses. Before the Board today, is the eighth cohort of adult-use cannabis licenses which have cleared the multistep review process and are being recommended for approval by the Board. These applications are from the application window that opened on October 4, 2023 and closed for all application types on December 18, 2023. The 123 applicants include 26 retail dispensaries, 24 microbusinesses, 19 cultivators, 15 distributors and 39 processors. In addition, the Office is in the process of issuing an additional 15 provisional licenses to retail dispensary applicants from the November queue. If approved, this will make 951 adult-use cannabis licenses approved in 2024. This number includes Conditional Adult-Use Retail Dispensary (CAURD) licensees who received a license from the office after completing their post-selection application. The Office recently hit a milestone with the issuance of the 200th final CAURD license. Many of these licensees have opened their dispensaries throughout the state and approximately 40 of them are working with the Office’s compliance team to receive their final inspection and open their doors.
- OCM is continuing to make progress on reviewing the November queue. The Office has started the review, meaning the application has been assigned to a licensing examiner who started reviewing the materials, of up to number 1,477 in the queue review order. The Office is reviewing these applications in order of the queue and per the direction set by the CCB at the May Board meeting. If you are a November queue applicant where you applied with proof of control over a location but have since lost proof of control over the location, you are eligible to receive a provisional license if all other sections of the application are sufficient.
- OCM is moving to a process of implementing a Single Point of Contact (SPOC) review model for the licensing team with the applications that they have in the queue. This change is part of the recommendations from the Spring 2024 assessment from the New York Office of General Services (OGS) report. The goal of the SPOC review is to enable OCM’s licensing team to streamline and centralize its operations, enhance communication with applicants, and provide applicants with a better ability to navigate the licensure process. Moving to this model will help ensure that every single application will have assigned one designated licensing examiner who will be in charge of answering questions and reviewing processes related to that specific application.
- Upon a motion from Board Member Jessica Garcia, and a second from Board Member Jennifer Gilbert Jenkins, Resolution No. 2024-90, a Resolution to Issue Certain Adult-Use Cannabis Licenses, was approved unanimously.



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- Patrick McKeage, Chief Operating Officer for OCM, provided an overview of Resolution No. 2024-91, a Resolution Denying the Issuance of Certain Conditional Adult-Use Retail Dispensary Licenses. Per the Cannabis Law, the Board is charged with the authority to issue or refuse to issue any registration, license or permit. The 42 applications before the Board for denial are initial CAURD applications from the CAURD application window that opened in August 2022 and closed in September 2022, but were delayed in issuance of denials because of CAURD litigation. The applications recommended for denial are CAURD applicants that did not meet the requirements of the CAURD program as set out in Part 116 of Title 9 of New York Code Rules and Regulations. The most common deficiencies include:
 - Inability to prove justice involvement as defined in 116.4(a)(2)(i)
 - Inability to prove qualifying business as defined in section 116.4(a)(2)(iii)
- Upon a motion from Board Member Jessica Garcia, and a second from Board Member Jennifer Gilbert Jenkins, Resolution No. 2024-91, a Resolution Denying the Issuance of Certain Conditional Adult-Use Retail Dispensary Licenses, was approved unanimously. There was one abstention from Board Member Adam Perry.

- Patrick McKeage, Chief Operating Officer for OCM, provided an overview of Resolution No. 2024-92, a Resolution to Allow the Cannabis Control Board to Delegate to the Office of Cannabis Management the Power to Issue Denials for Certain Adult-Use Cannabis Licenses. Per Section 10(23) of the Cannabis Law, the Board is charged with the authority to issue or refuse to issue any registration, license or permit and is authorized to delegate that authority to the Office. This resolution would delegate to the Office the ability to issue denials for adult-use cannabis applicants that have already been issued a license. The Board, empowered by Section 10(2) of Article II of the NYS Cannabis Law, determines the number of licenses issued and has further determined that in order to best address small business opportunities and concerns, avoid market dominance in sectors of the industry, reflect the demographics of the state, and give more individuals the opportunity to hold a license. This policy was approved at the May 10, 2024 Board meeting through the passage of Resolution 2024-75. By delegating the ability for the Office to issue these denials, this will help speed up the process of closing out applications in the November queue. Currently, the Office is aware of 44 applications that fit this criterion.
- Upon a motion from Board Member Adam Perry, and a second from Board Member Jessica Garcia, an amended Resolution No. 2024-92, a Resolution to Allow the Cannabis Control Board to Delegate to the Office of Cannabis Management the Power to Issue Denials for Certain Adult-Use Cannabis Licenses, was approved unanimously.

- Patrick McKeage, Chief Operating Officer for OCM, provided an overview of Resolution No. 2024-93, a Resolution Denying the Issuance of Certain Adult-Use Cannabis Licenses. Per the Cannabis Law, the Board is charged with the authority to issue or refuse to issue any registration, license or permit. The applications before the Board for denial are for applications that are being recommended for denial for applicants that have participated operating an illicit cannabis dispensary without a license issued from the Office. In accordance with Cannabis Regulation 120.12(9), the Board may deny any applicant, or any true party of interest of the applicant, that has a history of giving away or selling cannabis or



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cannabis products in an unlicensed and unauthorized manner after March 31, 2021, through a store located on a public thoroughfare, vehicle, or membership club that sells cannabis or cannabis products or charges retail customers a membership or admittance fee, or otherwise poses as an authorized cannabis licensed business. The applications listed in this resolution have all been inspected by the Office or another governmental agency and have been determined to be selling cannabis without a license. The Board and Office have communicated this message consistently that participation in the illicit market will prohibit your ability to obtain a license in the legal, regulated market.

- Upon a motion from Board Member Jennifer Gilbert Jenkins, and a second from Board Member Jessica Garcia, Resolution No. 2024-93, a Resolution Denying the Issuance of Certain Adult-Use Cannabis Licenses, was approved unanimously.
- Patrick McKeage, Chief Operating Officer for OCM, provided an overview of Resolution No. 2024-94, a Resolution to Approve Certain Cannabis License and Permit Amendment Requests for the Purpose of a Change in the Location or Cultivation Tier of a Licensee or Permittee's Licensed Premises or Study Site. The Cannabis Law and Regulations allow the Board to authorize amendments to a cannabis licensee. The Office launched an amendment survey on August 27, 2024, which allowed adult-use cannabis licensees to request certain amendments, including location changes or cultivation tier changes, which in accordance with the regulations, require Board Approval. The Office has begun the review of these amendment requests and will be reviewing the requests on a rolling basis. There are 14 location change requests before the board today. All 14 have provided the necessary information in accordance with the cannabis regulations and are being recommended for approval by the Office. The amendment requests before the Board today are all from supply side licensees (cultivators, processors, distributors, and microbusinesses) who have submitted an amendment survey to the Office including all required information to process the amendment request. The Office decided to process the supply license requests first, as they are more straightforward to process and do not require municipal notification or evaluations of the locations for proximity protection like the retail dispensary amendment requests. The Office will be reviewing the retail dispensary amendment requests submitted and will be presenting those for the board at a future board meeting to ensure that proper due diligence is completed. The Office will only process amendment requests received via the amendment survey which is located on the OCM website under the "Licensing tab". Additionally, the amendment survey allows licensees who were conditional cultivators to change their cultivation type or tier from what was submitted on their transitioning application, but that tier or cultivation type can only be one of the cultivation tiers already available for conditional cultivators to choose from.
- In connection with the amendment survey, the Office also issued interim guidance for how licensees can undertake certain ownership and True Parties of Interest (TPI) changes at this time. The TPI guidance clarifies for licensees that certain TPI changes that only require notification or approval by the Office are allowed to occur now. Licensees who proceed with the types of changes to ownership and TPI that are currently allowed do so at their own risk. If you decide to proceed with a change, be aware that all changes that were made prior to the date when a more comprehensive amendment system is available, will need to be reported to



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the Office when systems become available to formally process the requests and update the license record.

- Board Member Jessica Garcia asked if the Office has a way of assessing the impact on the workforce with location changes and stated that she is thinking about job displacement and how they are looking at that.
- Patrick McKeage stated that something they have talked about, potentially adding to the survey in the future to gather a little bit more information, and that at least the initial submissions do tend to be very close proximity to their original location and when they had the Conditional Cultivator program, a lot of the requests, particularly from farmers, they wanted to move to different locations almost on their farm, but they would require a location change because it's a different address. He stated that that is a really good data point that they want to collect in the future, but at least initially, a lot of the changes don't seem to be going from Plattsburgh to Rochester, etc.
- Board Member Gilbert Jenkins commented that for TPI changes, particularly if a partnership breaks up and a licensee needs to change the ownership because one of the original owners is no longer a part of it, they can't do that yet, but that is keeping a business ownership together that may need to split and asked what should they tell people who come to them with those concerns.
- Patrick McKeage stated that there are more complicated ownership changes that they have encountered, and that he would encourage them to reach out to AU Licensing with kind of the fact pattern of what happened and then they will have to triage those as they come in, as there are some special circumstances like that. He stated that under the Cannabis Law, a business entity or a license is not transferable and there are some restrictions in terms of what can be done with changing the business entity that applied, however, they have worked with applicants and licensees in the past to try and facilitate these situations as they arise.
- Upon a motion from Board Member Adam Perry, and a second from Board Member Jessica Garcia, Resolution No. 2024-94, a Resolution to Approve Certain Cannabis License and Permit Amendment Requests for the Purpose of a Change in the Location or Cultivation Tier of a Licensee or Permittee's Licensed Premises or Study Site, was approved unanimously.

- Patrick McKeage, Chief Operating Officer for OCM, provided an overview of Resolution No. 2024-95, a Resolution to Issue Responses to Negative Municipal Opinions of Applicants the Board has Issued Licenses. Section 76(4) of the Cannabis Law provides that when a city, town, or village within NYS, or a community board within New York City (NYC) expresses an 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. At the July Board meeting, the Board delegated to the Office the ability to respond to municipalities that issued a positive or neutral opinion. The Board retained the authority to issue letters for municipalities that provided a negative opinion. The 10 letters attached to this resolution are responses from the Board to respond to the municipalities who have issued a negative opinion.
- Upon a motion from Board Member Jennifer Gilbert Jenkins, and a second from Board Member Jessica Garcia, Resolution No. 2024-95, a Resolution to Issue Responses to



Negative Municipal Opinions of Applicants the Board has Issued Licenses, was approved unanimously.

- John Kagia, Senior Director of Policy for OCM, provided an overview on the proposed regulations for Public Convenience and Advantage (PCA). The Cannabis Law and regulations require that the Board consider PCA waivers for licensees who propose retail locations that fall within the 1,000-foot, or 2,000-foot boundaries established in the regulations. The current regulations are problematic and include factors and criteria that do not align with PCA requests. The proposed regulations have been updated from a previous version that was voted on by the CCB at the August 6th Board Meeting. This version was updated based on feedback received from both the Cannabis Advisory Board (CAB), as well as other groups of stakeholders, to better define who can request a PCA waiver and to include parameters of the criteria the Board will use when evaluating PCA. Including the parameters of PCA will help produce more constructive feedback from the public comment process. A PCA request would only be considered for exceptions to the buffer distance set in regulations between adult-use retail dispensaries and would not apply to the required distance between schools and houses of worship. If approved, the proposed regulations would undergo a 60-day public comment period where stakeholders will have the opportunity to comment and provide valuable feedback on the regulations. Actions from this vote do not take effect immediately and require the public comment process to help inform the direction of the proposed rule. The Board and Office plan to collect robust feedback during the public comment process and encourage stakeholders to utilize the opportunity to submit comments on the proposed regulations to ensure stakeholder's voices are heard.
- Chair Wright asked if the intention here is that once they get to a point where they have approved language, that then they will be starting a 60-day clock again, waiting for new information to come in or requiring people to resubmit information and starting another window.
- John Kagia stated that they will put the process in place where people can submit the information for consideration of PCA just to make sure that they are getting consistent inputs from their applicants and that the intent was not to create an additional 60-day window once this resolution has been adopted, but the 60-day was just for the public comment period.
- Chair Wright stated that it is the last paragraph C and that it is 45 days, and she was saying 60 days.
- John Kagia stated that they wanted to include a period for municipal notifications because the most retail applicants will have already submitted a municipal notification with their initial submission, however, that municipal notification was predicated on the assumption that they would be adhering to the 1,000-foot, 2,000-foot boundary distances. He stated that the municipality's expected that they would be having proximity protection as part of the evaluation criteria for the submissions they were receiving, and that the additional notification period is so that licensees can notify the municipalities that their proposed location would be encroaching within the 1,000-foot to 2,000-foot boundary.
- Chair Wright stated that since this is just a draft, if they could consider a mechanism that accounts for their reality that already identifies that they have municipalities that have contacted them and have already expressed concern regarding proximity and that they



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support the requests of licensees and they are fully aware that they encroach on the 1,000 and 2,000-foot and that them creating an additional 60-day or 45-day calendar for them to wait after they are waiting for 60 days for them to pass this may become problematic and that she is going to ask that they consider putting that and thinking about that thought, because she knows some concerns that exist for them that they are not actually touching on yet.

- John Kagia stated that the 45 days is intended for people who have not yet notified the municipality and if you are beginning this process from scratch, they want to make sure that is at least enough time for the municipality to receive and process the requested submission. He stated that in the cases where applicants are very deep in their engagement with the municipality and the municipality has already signed off, they would have met that requirement providing demonstrated feedback from the community.
- Board Member Jessica Garcia asked if they could clarify that because that is not what she picked up from the regs.
- John Kagia commented certainly, they can clarify that as they amend the process.
- Board Member Jennifer Gilbert Jenkins stated that all it really needs is wording that says that if someone is asking for a PCA waiver and sends in that request with municipality support, that that 45 days does not apply and thinks that would make this much clearer.
- Patrick McKeage stated that this is a temporary issue just because they do not have the process in place yet, and moving forward, it will be just a normal part of the application to request the PCA to include your notice of Muni that you are doing the PCA, and they do have the instance now where they just have some folks who have done it and if they have already done it, they will accept those moving forward.
- Chair Wright stated that they just want to make sure that they clear it in the document.
- Board Member Jennifer Gilbert Jenkins stated that she wanted to clarify that when they are voting, they are voting with that amendment.
- Chair Wright stated that what they are voting on is as amended.
- Upon a motion from Board Member Jennifer Gilbert Jenkins, and a second from Board Member Jessica Garcia, an amended Resolution No. 2024-96, a Resolution Directing the Office of Cannabis Management to File for Proposed Rulemaking Certain Adult-Use Cannabis Licensing Regulations, was approved unanimously.

- Linda Baldwin, General Counsel for OCM, provided an overview on the proposed Emergency Cannabis Enforcement Regulations. The Notice of Emergency Adoption and Revised Rulemaking would make substantial revisions and technical changes to the Part 133 Violations, Hearings and Enforcement Regulations previously voted on by the Board on May 10, 2024. Those emergency regulations authorized the Office to utilize certain powers which were granted to the Office in the 2024-25 budget signed by the Governor including the ability to issue stop work orders and issue orders to seal for unlicensed activity if imminent threat to public health, safety and welfare exists. These regulations also outline the process for respondents to request an emergency hearing on an order to seal. The regulations also outline the process for respondents to request an emergency hearing on an order to seal. While maintaining those powers, this package also includes several substantive changes to Part 133, including, clarifying who can represent the Office at a hearing, clarifying what type



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of records can be submitted as evidence at a hearing, allowing for revocations of a license for a licensee who has been issued a final determination affirming continued unlicensed activity following the issuance of a prior order to cease the unlicensed activity, and authorizing seizure of material or equipment used in the creation, production, packaging, or maintenance of cannabis, cannabis product, cannabinoid hemp or cannabinoid hemp extract product, or any product marketed or labeled as such. The package also includes revising the regulations which have undergone the public period to be re-filed with the substantive changes made to undergo a second 45-day public comment period.

- Upon a motion from Board Member Jennifer Gilbert Jenkins, and a second from Board Member Jessica Garcia, Resolution No. 2024-97, a Resolution Directing the Office of Cannabis Management to File a Notice of Emergency Adoption and Revised Rulemaking of Amended Violations, Hearings, and Enforcement Regulations, was approved unanimously.
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- Patrick McKeage, Chief Operating Officer for OCM, provided an overview of Resolution No. 2024-98, a Resolution to Waive Amendment Fees for Adult-Use Cannabis Licensees. On August 27, 2024, the Office opened an amendment survey to begin the process to consider amendment requests from licensees. The cannabis regulations contemplate the possibility of an amendment fee to be paid by the licensee for the Office to process certain amendment requests. The regulations grant the CCB with the discretion to determine the amount of the amendment fees. This resolution proposes to waive any amendment fees for amendment requests before the Office until April 1, 2025, to help facilitate the first batch of requests that are being submitted by licensees.
 - Upon a motion from Board Member Adam Perry, and a second from Board Member Jessica Garcia, Resolution No. 2024-98, a Resolution to Waive Amendment Fees for Adult-Use Cannabis Licensees, was approved unanimously.
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- Patrick McKeage, Chief Operating Officer for OCM, Tabatha Robinson, Director of Economic Development, Policy and Research for OCM, John Kagia, Senior Director of Policy for OCM, and Maggie Cowee, Program Analyst 2 for OCM, provided the following OCM report.
 - Licensing Update
 - There are currently 202 CAURD with final licenses, 202 adult-use retail dispensaries, 361 provisionally approved retail dispensaries, 176 microbusinesses, 176 cultivators, 149 processors and 120 distributors.
 - Social and Economic Equity (SEE) Update
 - To date, 53% of the adult-use licenses are SEE owned. The breakdown includes 36% Minority-Owned Business, 43% Women-Owned Business, 8% Service-Disabled Veteran-Owned Business (SDV), 8% Distressed Farmer, and 5% Communities Disproportionately Impacted (CDI).
 - To date, 39% of Adult-Use Cultivators, 38% of Adult-Use Processors, 35% of Adult-Use Distributors, 55% of Microbusinesses, and 84% of Adult-Use Retail Dispensaries, are held by SEE licensees.
 - CAURD Grant Program – The Office will partner with Empire State Development (ESD) to provide grants to eligible CAURD licensees to support business operations. The CAURD Grant Program totals \$5 million



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and will award eligible CAURD licensees with funding up to \$30,000 each to support their business operations. Applications for this CAURD Grant Program will be accepted on a rolling basis until funding is exhausted. CAURD licensees can use program funding for point-of-sale hardware, renovations of licensed retail space, inventory tracking systems, security systems, secure product storage and transportation, and rent for licensed retail space. At this point in time, the Office is not accepting applications from CAURD licensees. ESD released the RFP seeking a grant administrator to oversee the CAURD Grant Program. Interested third-party grant administrators should submit their proposals through the ESD website. Proposals are due on September 16th by 2pm EST.

- Market Update
 - New York has sold \$590.7 million in legal cannabis.
 - With five reporting weeks, August sales neared \$100 million, bringing the 2024 year-to-date total to \$429.9 million.
 - There are 185 legal adult-use retail dispensaries open in New York.
- Adult-Use Application Review Update – November Queue
 - The Office is prioritizing the review of the November queue and is reviewing applications in the order of the queue.
 - To date, the Office has started the review of up to number 1,477 in the queue review order.
 - Currently, 1026 dispensary locations are receiving proximity protection.
 - If your application is coming up, be on the lookout for an email from the Office outlining any deficiencies. Ensure all your TPI have submitted their disclosures and have been fingerprinted.
 - Each application is different, and the length of the review time will vary from application to application depending on the complexity of review, factors discovered through background checks and responsiveness of the applicant.
- Enforcement Update
 - The State’s commitment to shutting down unlicensed cannabis storefronts has driven significant revenue growth for legal retailers. Downstate stores have seen a 50% revenue increase since enforcement actions began.
 - Since its launch, the Cannabis Enforcement Task Force has conducted 793 inspections, padlocked 349 locations across NYS, and seized nearly 7,500 pounds of illicit cannabis products. Additionally, using the powers granted by the Governor to the NYC Sheriff has led to the closure of more than 1,000 stores in NYC.
 - Retailers statewide collectively saw revenues increase by \$5.1 million in the 14 weeks since the Enforcement Task Force launched. Stores downstate in Manhattan, Brooklyn, Bronx, Queens and Staten Island, which face significantly higher illicit store density, saw revenues increase 97%, earning an additional \$3.6 million weekly.



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- Energy and Environmental Sustainability
 - The Office is excited to release a new Energy and Environmental Sustainability webpage: cannabis.ny.gov/sustainability. Protecting the environment and improving the state’s resiliency to climate change are two intentions of the Marihuana Regulation and Taxation Act (MRTA).
 - The Office’s Energy and Environmental Sustainability regulations address these goals through Energy Use Standards and Emissions Management, Waste Minimization, Protection of Air, Water and Land, Promoting SEE, and Research.
 - PowerScore, a state-specific resource tracking and reporting tool, will be a key tool in building an environmentally sustainable cannabis sector. PowerScore’s annual reporting will allow licensed cultivators to track and report energy and water use and waste generation.
 - The platform will provide critical benchmark data to improve producers’ operational efficiency, reduce costs, and enhance profits.
 - Licensees authorized to cultivate began to receive PowerScore account setup details via email the week of September 3, 2024.
 - The first annual report is due for all licensees on August 31, 2025.
 - NYS PowerScore platform can be accessed at no cost to licensees through the Office’s website and via cannabispowerscore.org/new-york.
- Legal Online Cannabis Activities Locator (LOCAL)
 - LOCAL is a transformative mapping tool designed to make the application process for licensee hopefuls across NYS more efficient, transparent, and affordable. LOCAL is developed from the data in the Cannabis Licensing System (CLS) and will be available on the Office’s website. The LOCAL application comprises two essential tools:
 - The first is an industry-focused map tailored for applicants, licensees, and stakeholders, featuring advanced capabilities such as generating proximity reports, searching licenses, exporting data, and navigating multiple data layers.
 - The second tool, soon to be launched, is a consumer-focused dispensary map that will allow New Yorkers to easily locate the nearest legal dispensary, ensuring access to safe, regulated cannabis products.
- Seed-To-Sale Fee Waiver
 - Pursuant to Section 78 of the Cannabis Law, the OCM requires all licensees utilize an electronic system that tracks cannabis as it moves through the supply chain, a complex inventory management system called a seed to sale system.
 - All licensees must report their data to OCM using the BioTrack seed to sale system Application Programming Interface (API). In order to ensure



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unique identification of inventory, licensees will purchase inventory tags from BioTrack in advance of operations. OCM will cover a total of \$250,000 in tag purchases across licensees, at the launch of the project. The unique identifiers tied to each tag are representative of one piece of inventory that stays with that inventory from the plant stage to final product.

- Board Member Jessica Garcia asked that when they say that this is for CAURD licensees, it is all CAURD licensees, not just the first 100 and change that they first approved.
- Tabatha Robinson stated that that is correct, it is all CAURD licensees.
- Board Member Adam Perry stated that looks similar to another concept that might be at the New York State Liquor Authority (SLA) that they call the LAMP, Liquor Authority Mapping tool and asked are they going to have a name for theirs maybe, CAMP, like Cannabis Authority Mapping tool.
- Patrick McKeage stated that actually the same vendor who built SLA's is building this one.
- Board Member Adam Perry stated that theirs will be better. He further stated that according to the SLA's website, it takes them at least six months to make any type of license change and that he has talked to people in the hospitality industry, and they scoff at that and say it takes a lot longer than six months, and that is why they want to be better than them.
- John Kagia stated that at least for now they will be calling it LOCAL, the Legal Online Cannabis Activities Locator.
- Board Member Jessica Garcia asked does the CAURD licensees who would qualify for the grant through ESD include the nonprofits.
- Tabatha Robinson responded that it does include the nonprofits.
- Board Member Jennifer Gilbert Jenkins stated that they have had some conversations in board prep meetings in the past couple of months about the problem of single use packaging and would love to see thoughts come forward around bulk packaging, looking at sort of medication sales, where if you get a bottle of Advil, the whole bottle is childproof, but each individual ibuprofen pill is separate in there and they need to think about that in terms of the sustainability of their packaging to look at bulk sales.
- John Kagia stated that they are working through all of the considerations around reducing the packaging requirements as well as options like bulk packaging.

- Members of the public were provided the opportunity to address the CCB during the Public Comment period. Participating individuals must limit their remarks to two minutes and should only be related to specific agenda items. Public Comments are listed in Appendix A.

- The CCB adjourned the meeting.



Appendix A

NYS Cannabis Control Board 9/10/2024 Meeting – Public Comment

	First Name	Last Name	Organization (If Applicable)	Public Comment
1.	Crystal	Peoples-Stokes	Majority Leader, NYS Assembly	<p>Thank you so much, Madam Chair, and to the entire Board. I want to thank you guys for your work that you've been doing since you were all put together some two years ago. I would say you should feel pretty good about what you've accomplished thus far. So thank you for your service. I also want to say to the staff at OCM, thank you guys for amazing work. Yes, amazing work. On many occasions, people thought, you know, some things like this couldn't be done. Well, you're proving that they can be done, and they can be done in spite of people thinking that it's a disaster. It's not a disaster. In fact, it's one of the best things going on right now in the world or in America. There's no one else that meets these numbers that you all have met. So thank you. As a lead sponsor of the legislation, I want to speak for all of my colleagues who supported this bill. Unanimously, pretty much with the exception of some folks. Thank you for doing what we asked you to do. Has it been challenging? Absolutely, yes. I said a couple, dearest, when you all had to go to court and be enjoined and had to wait because people thought they were excluded even when they were not excluded. They were literally a part of the legislation, but they didn't have the patience to wait. That drug on and on and on. And I also want to thank you for your efforts that you put together for enforcement, because, as you know, I know you all have read the bill, so you know that the legislation was not written to say that OCM should be enforcing illegal businesses. It was written to say the OCM should be enforcing legal cannabis businesses. So you had to totally retrofit that whole piece of the legislation in order to figure out how to get sworn law enforcement to do what the legislation asked them to do, which, by the way, we all take the same oath of office, all of us, same oath, we swear uphold the laws of the State of New York. We had to create a whole another new language to remind people that this was their job because they asked for it. So thank you for your patience and seeing that that happened. I do want to say one last thing</p>



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	First Name	Last Name	Organization (If Applicable)	Public Comment
				<p>I like CAMP for the name of the mapping program. And secondly, I want to say this research will tell you that it literally took ten years once alcohol was legalized, to get it stabilized as a regulated industry and to shut down the illegal market. We are now in 24. We just started in 21. So kudos to New York for what you all have accomplished and to those folks who are still waiting, keep waiting. There's only 100 and some odd retail stores open. There's a lot more room for your opportunity, but it calls for patience, due diligence and having all of your T's crossed and I's dotted. These folks from OCM can help you make sure all that happens. So for those of you who are still waiting, just be patient, it's going to happen. For those of you who are already in work hard, do well, you're setting an opportunity to demonstrate what can happen with a legal cannabis market in the United States of America. Demonstrate it well. You started out so well, let's don't stop, because there are a lot of other people who need to learn from what we're doing in New York. Again, thank you all so much and thank you for hosting this meeting in the great city of Buffalo. Thank you.</p>
2.	Leanne	Anderson		<p>Good afternoon, OCM Board members. My name is Leanne Anderson, a licensed woman owned SEE distributor. Welcome to Buffalo, where we jump through tables and shout go Bills. I want to first thank you for getting the license amendment process started. This will help many license holders, including myself, become operational. But with that said, there is still a lot to focus on. I wrote this whole speech about CAMP, so I'm glad we talked about that. As a business owner who pride myself on following rules, I find the MRTA to challenging. On Friday, a new MRTA was posted and then Monday morning there was a different one in its place stating 2022. I downloaded both of them, if anyone needs one. I'm asking for more consistency. I'm suggesting license holders receive emails once a month with the current MRTA to that highlight any new changes. I would also like to request a way to verify licenses. As a distributor, I found the dispensary list not always up to date. This is also important for the public to know when searching for a legal dispensary. I would appreciate access to a portal CAMP, where I can verify every license. It could be available to only license holders, just the way the COD list</p>



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				is. This portal could also reflect how many locations and licenses are held by a licensee when a license has been revoked or suspended and when they expire or renew. As this market continues to grow, I see a portal like this becoming a daily tool used by license holders. Thank you for choosing Buffalo for this meeting. We are the city of good neighbors. Go Bills. Thank you.
3.	Christopher	Schinta		Good afternoon. My name is Christopher Schinta. My colleague Christopher Brown and I are microbusiness licensees. We founded the Buffalo Cannabis Company. I am just here to welcome you to Buffalo and to thank you for coming here and to encourage you to do so again as soon as it suits you. We are a cold city, but we are warm people and having you come here and have this meeting here in our community makes us feel seen and heard and it gives us hope. And please call on us to come and visit our facility some time. We'd love to show you what we're up to. Thank you.
4.	Kamel	Jamal	463 station, inc	Hello, how are you folks doing. First, I'd like to thank the Cannabis Control Board, the OCM and the CAB as well, because with all these meetings throughout the state, I got to go to the Bronx and try coquito, Manhattan to have a pizza, come to Buffalo and watch a Bills game, which is hands down one of the best games being a Jets fan, Bills games are amazing and their wins are great. You guys know my spiel about my proximity. My one question I have for you is the 60 days during that time, during the time it went up for debate, my market has now changed dramatically with four illicit shops opening up on our street, my small two-mile circular Main Street. What happens as we wait these 60 days and these 45 days that you spoke about what happens to our market that we've been building up with our showcases and in preparing for this, while the customers that we've seen and where we're trying to build up are now going to these markets, what happens next and how much longer do we have to wait for this? Thank you again.
5.	David	Miller		My name's David Miller. I'm a co-founder of EVAC for Educating Veterans About Cannabis. The presentation today is astonishing, and I think a lot of the leadership of OCM and the CCB should get a phone call from Stockholm, receive a Nobel. But I've been on my hands



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				and knees literally in front of this organization month after month after month, begging you to put on the agenda the considerations of what we're doing to get cannabis made available through the medical ROs for veterans who can't afford it. You sleep under the blanket of freedom we've provided you. New York State, Western New York has the fourth largest rate of veteran suicide in this country. Four veterans kill themselves every day and everyone in EVAC for was outside the green line. If you don't have a DD214, that won't mean anything to you. And I can't explain it, but the members of my organization can't afford cannabis. And I begged and I pleaded, and I've written, and no one responds. You don't respond to your own applicants a lot. We're not an applicant. We're not going to be selling cannabis. But we have to buy pills, lots of them, for peripheral neuropathy, for psychiatric conditions. And you've said that veterans are a priority. And you've hired someone who's a point person, who's not a combat veteran, but who's a point person. But yet you won't discuss the issue at one meeting over a year's time. You're doing an incredible job with the illegal dispensaries, 100 down and a few thousand more to go. You're doing wonderful with making sure applications are rolling out and getting those numbers up. Do something about it already.
6.	Tristan	Sanders		To reiterate, my name is Tristan Sanders. I'm a small business owner here in Buffalo, New York. My partner and I have one question. How long do we wait? I've fought through the MRTA and current regulations to make sure this question doesn't fall on deaf ears. Nowhere does it state a specified timeframe for your office to make a determination on applications. So therefore, if somebody were to wait, let's say to the target time that we've changed it now from 2024 to the end of 2025. What happens if nobody gets a call? You know what happens when it does fall on deaf ears? According to the OGS's report published on May 10th, in 2024, you plan to hire more. But the number of staffing still has not changed. Because we've heard that before. When? In addition. My question is still, how long do we wait? She. We've done everything to ensure application is complete and truthful and we stay in contact with the office through email and by phone. But still, again falling on deaf ears and something else at. If there's no determination made on an application



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				<p>or no status updated within that time frame, let's say two years go by and no call is made. There's no mechanism for applicants to or any course of action for applicants to take if they've been forgotten or if they haven't been reviewed at all in this process. So I encourage you to look at the fact that there is no time frame on these applications. It worries me that maybe we may be forgotten at some point. And leaving us stuck in limbo essentially, because in order to appeal, you have to have a denial. And if there's never a determination made, that's not a denial. That's not approval. And I may never get my thousand dollars back, but who cares about that? I'm more worried about whether or not we're even going to get reviewed. So thank you very much.</p>
7.	Paul	Steinbrucker	S&S Cultivation	<p>Hello, I'm Paul Steinbrucker from S&S Cultivation. We are one of the intentionally ignored lease required indoor cultivation applicants who've been paying rent on a location for ten months now. You cannot expect actual entrepreneurs to blindly pay rent for a year while you continuously move the goalposts by changing the rules to benefit every other facet of the market except for us lease required supply side applicants from the December queue. You definitely cannot logically expect it for two years. Like Felicia Reid said in a recent interview with Spectrum News, you have changed the rules multiple times for retail, for micros, for AUC's and P's, but not for us, whether you intended to or not. By changing the rules and giving all other lease required applicants a guarantee to be reviewed, you now have a legal obligation to equitably extend the same guarantee to the last portion of the lease required applicants on the supply side who share the same plight. I have been asking your office for this since May. You've told us time after time that the reason you cannot extend the same guarantee for supply side December applicants is for fear of market oversupply. That we need to wait to see what the retail market can support. I had a video meeting with Patrick McKeage on August 28th addressing this, where he said it would bring this to the board, but it would take months to happen. While also stating the oversupply concern. Yet the executive director drafts a letter to the DEA for declassification, citing that limited interstate commerce is a hinderance on the current market. Even more</p>



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				contradictory is the new AU Licensee Amendment request program rolled out two weeks ago, allowing supply side licenses to request a larger size tier and or additional cultivation locations, 14 of which you already processed today an unprecedented speed. You're bleeding us dry, stating that it is necessary to avoid oversupply while you're allowing others to request to expand their production size and swiftly approving them. So since oversupply is obviously no longer a concern by the Board, I hope when this meeting concludes that some you board members will show us the respect to have a conversation to help figure out a faster solution. Thank you.
8.	Michael	Yocina		I want to thank you very much for showing up in Buffalo today. It's very nice to see all of you. I'm a businessman in Buffalo for four decades. I have sold equipment to grow these beautiful plants. I've taught after 1989. I was under Operation Green Merchants. So, I relabeled my business and very trademarked it as an education service so I could teach to 143 schools and universities in western New York, how to use agriculture. And then I went on to mixing soil. And I have a greenhouse that I built because I know the necessity of this. I knew the necessity. I think I sold 5 trillion CBD sticks before the word hemp was even thought of in New York. It was a simple \$3 stick. We made them for \$0.50. It's the hemp is actually out of price to grow in New York right now. My question to you is, I did apply for a small business license, and I addressed the solar industry. I've taken an electric bill to operate my New York State research and facility on \$3,500 a month. I drop that down to \$30 a month. And I know because I've designed these lights, I've manufactured these products for four decades. I've taught people to walk in my retail store how to use this product. And I have showed the reservation, the indigenous people how to experience. Thank you very much and come back again someday.
9.	David	Hooper	munchies dispensary ny llc	Good afternoon. I'd like to thank the Board, everybody that came in, congratulations to all of the licenses that got granted today. I travelled in from the city because I had to see this for myself in person. Those of you who know me. you know my story already. As many of you know, it has been a long journey for us, but I believe everything happens when it supposed to. Thank you to Miss Reid, the Board, Pat McKeage and John Kagia. I also want to



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				mention V from the license department. I must have emailed her a million times throughout this process, and she was always professional going above and beyond to ensure we submitted everything on time. I wish you was here so I could think her in person. Lastly, I'd like to thank my lawyer, Jeffrey Hoffman, who couldn't be here today. With that said, I'm looking forward to returning to my community where I know I can be the change we are looking for again. Thank you all. There's been a long journey. I'm happy to be here. And God bless everybody in the future too.
10.	Arlana	Cranston	Lit by the Lake	Hi. Thank you for coming to Buffalo. I am a woman owned microbusiness, Lit by the Lake. I own it with my husband. We've been licensed since February and since February we've been dealing with our municipality Town of Porter. We haven't even been able to get operational at all. We are seven, almost seven months into our license now because of it. We haven't even been able to start building because in connection with our application for an expedited site plan review with Town of Porter to get permission to build our building, the town informed us that while we would all in likelihood be able to grow and process at the property, we will not be able to retail unless AG and Markets or OCM extends agricultural protections to cultivation or microbusiness licenses for retail. We have spent a lot of money on a lawyer to talk to the town, OCM, AG and Markets to try to get a letter from one of the departments. As it's written, it's unclear which regulatory agency would extend agricultural protections to a micro-business operator. Based on discussion with OCM's Counsel office, OCM Counsel has not offered an opinion on whether they can grant these protections. My attorney has spoken to AG and Markets, and they were willing to offer agricultural protections in this instance if OCM defers jurisdiction to AG and Markets over this issue. We really need this issue addressed so that we can start building and be able to move forward. Thank you.
11.	Daisy	Mae		Good afternoon, board members and OCM staff. My name is Daisy Mae and my pending application number is OCM RETL- 2023-000710. My husband, Keith and I drove across the state to be with you here today. We've been in communication with the OCM since last year about our dispensary application. It appears there was a



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				<p>miscommunication about our fingerprinting due to us not initially having an application number. In March, we were notified by email about deficiencies in our application. The email did not mention fingerprinting as being a deficiency. We then tried to cure the deficiencies that we were notified of, but the website would not accept our forms, so we were instructed to email each form individually. We did this and with each email we asked what else needed to be turned in, but fingerprinting was never mentioned. Unfortunately, it was not until May 14th when we received the 25-page Next Steps document from the office that we had what we needed to go through the fingerprinting process. We immediately connected to Identogo and were fingerprinted three days later. After that, the next communication we received from the office arrived on July 17th, informing us that our application had been voided due to lack of fingerprints. Since that time, we have continually attempted to communicate with the OCM, but our efforts have come to not. We recently engaged attorney Jeffrey Hoffman, who has been in communication with you about this matter. He assures us that you are good, well-meaning people who are very serious about your civic responsibilities and that you will work with us on this to set this right. Like other licensees in New York, this extended process has had a significant impact on our finances and our sanity. Please help us complete this process. Thank you</p>
12.	Keith	Hufnagel		<p>Good afternoon, board members, OCM staff. My name is Keith Hufnagel, and I am part of my wife's Daisy's pending application number OCM RETL 2023000710. My wife just described to you the situation we're in. So I'm not going to repeat all the details. I will simply say that we trust you. The members of the board, to the staff at OCM to do the right thing for your applicants and the licensees. We know you're attempting to complete a tremendous task, while I'm sure understaffed. We believe our attorney, Jeffrey Hoffman, who told us that you will work with us to set this right. This situation has a tremendous impact on us, as it has on all licensees who have been waiting in limbo for many months to receive the license. Please help us complete the process. Thank you.</p>



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13.	Stuart	Ritchie	Rural Resurgence ,LLC	<p>Hello, this is Stuart Ritchie from Rural Resurgence. I'm Micro license 137. We have a retail location, Ellicottville, New York. However, we can't open that because there's another retailer that has proximity protection. However, that location has been denied by the Village of Ellicottville. So, we can't open but I don't see a mechanism where we can where proximity protection will end if they're not a valid location because where they are, they wanted a variance, Ellicottville would not give them the variance. They can't open a location there. So it seems like we should be able to open ours. The other thing is that Ellicottville is open to having another look, another dispensary in Ellicottville, within 1000 ft. So in Ellicottville, we're within a less were over 1000 ft from that location. And Ellicottville is open to having more than one location in the village. But there's no way for us to open. So, there's two ways either to end their proximity protection because they can't open their business or allow us to open another location in Ellicottville that is over the 1000 ft because Ellicottville is a unique situation because hundreds of thousand people will go through there in a year. So, it's not really the population may be small in Ellicottville full time. Yet, it's a resort town, they can easily handle more than one resort. But I can't really find a method of communicating this with the board and with licensing. So, if I could have help with that, that would be great. Thank you.</p>
14.	Khadija	Peek		<p>Good afternoon. Thank you for all your efforts and hard work. And thank you, Majority Leader People-Stokes for your vision and hard work in getting the legislation passed. My application number is 2020300 1105 and I'm an SEE applicant. I understand that it's no easy feat to create a new agency in an emerging industry. However, it's been incredibly disheartening and frustrating to experience such difficulty in obtaining responses from the OCM regarding our application. Despite our persistent efforts to reach out and clarify our concerns, the lack of communication has left us feeling overlooked and anxious about our future. We just saw that another dispensary in the town over has received their second location already having one in Albany that opened in February while we lost our first location because the seller decided to terminate the contract we had for three years because they thought</p>



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				we were screwing around. They simply said the process is taking too long for them. We scrambled to find a new location. We found it in less than two days, a lease for six years, only 1,584ft away from our first location. And we've been waiting for over four weeks for an answer from the OCM as to whether they'll approve the change. When we do get a response, the response is that someone who can answer the question or help us is on vacation. My partners and I have been working on pulling everything together that we needed and preparing an application and supporting documentation since April of 2021 and submitted our application in November. We have been in a holding pattern and bleeding money ever since. We truly hope for a solution soon as the prolonged uncertainty is taking a significant toll on our morale and progress. Also, I would invite you all to have a meeting or two in Albany. Please and thank you. Have a wonderful day.
15.	Jeanette	Miller		Jennette Miller, AUCC, Social equity woman owned business now micro-business owner. My question, where are the impact statements? New York State rulemaking demands that there are impact statements, regulatory impact statements, regulatory flexibility analysis, rule area, flexibility analysis, job impact statements, the carnage that is falling off from this industry and the people who started it is just ridiculous. So as a cultivator and then in the sense the beginning of the days of hemp, we have desensitized the market for you guys, then we rolled out data collection through hemp research. And then we fronted the entire industry because we were hemp cultivators and we were told if we cultivated hemp, we'd be able to sell that hemp. But then they never gave us a way to sell that hemp. So then we were given the opportunity and privilege to be part of this program. And so we came out and we grew cannabis, legal cannabis for New York State. But instead of allowing us to sell that cannabis, there were no stores that were rolled out. We weren't allowed to fast track to microbusiness, so we couldn't sell that. Meanwhile, you guys, they let the illegal market proliferate so they could take all that money, right? All that money is coming back to the state. They let those stores open and then get big so they could go and take that money. Right. This is a con game, guys. We're being blindsided. This is the most abusive relationship I've ever been in. Meanwhile, the carnage is falling off. So I fronted the industry. As a AUCC, we put out the money. We had our product ready, but there was nowhere for us to sell it,



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				<p>so we had to front it the processors. Processors took that from us, and they made their own products. Then their products got to go to the stores. So we started the processors businesses for them off of our 50 to 70%, they took off the cannabis. Then if I wanted to turn that into gummies myself, they're going to take another half of the distant they already got to do that for me. So instead my product was sitting somewhere for two years because I hadn't been allowed to get it right. And then we also had to give 30 days to open fronts to the store. So we fronted the open in the retail business. And as distressed. Farmers that are the only ones cultivating legal cannabis here in New York State, then we also paid for all the testing, right? So we started the testing industry. We literally rolled this industry out on our back and people are dying. And I came here last, I was here a year ago and I said something very serious then that there's carnage, there's people falling off. Well, my friend Devin Bugsnax took his life at 22 years old. At 22 years old, my friend Devin Bugsnax took his life. Now, last year, I told them that this is going to happen. There's going to be carnage, there is going to be people dying. A 22-year-old man who was part of my business as part of my industry that I couldn't roll out cause I was too busy fronting the processors, the retailers, the testing facilities and all of that. He is dead now. He is dead now. You can't have shit in New York. And he is right. You can't have shit in New York. And that's why we're growing it. We're growing quality weed. And you can't have shit in New York because God forbid you try to live the American dream. I was 14 and on my own.</p>
16.	Tom	Zulus	Innocence Cannabis	<p>My name is Tom Zulus from Innocence Cannabis, AUCC 305, Micro Applicant 122, CBD Licensed 0052. Background formerly trained as an industrial engineer, Worked as an investment banker with startups for 27 years. Switched to farming in 2008 to find purpose and community. I started growing CBD in 2019 and at that time my journey of understanding how the human body works, these cannabinoids, this chart shows how we are wired, how the human body works. And it warms my heart that we're here at Roswell because this is what this plant is about. I can tell you that over the last five years I've witnessed countless lives that have been changed through the use of this plant to alleviate imbalances. In 2022, when the OCM asked me as a CBD cultivator to help with providing product to the market, not only did I grow one acre, but I helped another cultivator supply the</p>



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				labor and expertise. We produce 2,700 pounds of quality flower. However, due to the lack of dispensaries, we had no choice but to turn it into extract. The value of that flower, if the dispensaries were open and the OCM projected, there would be almost 100, half of our flower sold at wholesale at \$100 per ounce would have produced \$2.1 million in revenue and \$756,000 to the OCM. So, now we had no other choice but to produce a product, gummies, both high dose, low dose for different products ready to go to market. One problem I can't distribute, I can't sell or receive compensation for doing it. Instead, my manufacturers are allowed to distribute, and they have their own brand. So my product, 12 months later ends up expiring. Again, a loss for both me and taxpayers. I was told as a conditional cultivator I would have a fast track to licensure. My application was in by the deadline in November 2023. In December, I started to comply with cameras, build out. At any rate, the State has lost \$756,000 in revenue. I lost 2 to 3 million in revenue and \$400,000 in losses.
17.	Eric	Kennedy		Good afternoon. My name is Eric Kennedy and one of the owners of High Wire Farms, in reference to application number OCM RETL-2023-001017. We applied in the November list. There is some back and forth with the OCM, whether we deserve to be on that November list. Either way doesn't matter. We paid rent on that empty space since November. We applied for a special use permit prior to the application. Reluctantly, after months and architectural drawings and all the hoops, the Village of East Aurora made us jump through, they issued that special use permit. We then sent that to the OCM to no avail. As a result, currently the Village of East Aurora is looking to rescind that special use permit due to the lack of progress with the OCM application. And as a result, we've entered into litigation causing High Wire and opposing parties excess legal fees. We wish to be in the Village of East Aurora and operational. We should be by now. We are operational in other states, and we know how this game works. And this is very, very slow. We asked that the board expedite our application, avoid further financial hardship for us, as well as all other parties. Thank you.
18.	Rodney	Hudson	Best Buds Cannabis Company	Hello and good afternoon to the board. Thank you for being here in Buffalo. Go Bills. Hello. My name is Rodney Hutchings and I'm here on behalf of Best Buds Cannabis Company and my wife, which is the co-owner. We are very excited to hear about the New York State



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				<p>legalizing recreational cannabis. We are even more excited about the opportunity to fill a dream of ours to participate in this industry. In 2023, we filled out an application complete for a retail dispensary in Buffalo, New York. We located in a rented location which was fully required by the application requirements. We have hired a local firm. Mr. Joe Schaefer has been on our team since day one to help us properly navigate the application process. Since November of 2023, we have spent tens of thousands of dollars on legal support and rent within anticipation of getting this retail license. To date, we have not received a license as the lack of the communication towards us and the OCM. We are a minority Latino enterprise, and we cannot continue to lay out significant amount of money without knowing where we will be at this approval for this license. I'm here to ask today to please help us to achieve the goal that we've always had to create a location and education here in the great city of Buffalo. Thank you.</p>
19.	Thomas	Ballistrea	Cannabaceae LLC	<p>What's good. My name is Thomas Ballistrea Jr. I'm the founder and CEO of Cannabaceae LLC and a graduate of the CCTM program. I'm also proud to be a microbusiness licensee and grateful to have the privilege to be a part of the solution. I came here today to extend my gratitude to everyone that labors to create a post prohibition reality for our community. And thank you all for coming to Buffalo to allow me the opportunity to participate in the process, as well as present some challenges that our community is facing. I did want to touch on CAMP a little bit, right. I'm all for it. I'm all for the irony. As long as we recognize that what our venerable legacy community went through in California through the cannabis against marijuana planting program in the 1980s. So, just with that said I'm an end up going off script, I'm going to run out of time, I will submit my comments online. I have found that there are many challenges that the licensees representing as they built their infrastructures. One common challenge is access to working capital. As we are all aware, traditional sources of revenue are not available for cannabis related businesses. And while I applaud the efforts of the board thus far to provide financial relief such as the programs we presented today, we need further consideration, and we need to provide programs to provide capital for our licensees by way of grants, loans and tax incentives. Assistance for our conditional license holders and nascent cannabis related businesses must be offered by New York State to allow small businesses to</p>



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				proliferate in a well-regulated industry such as those that have been instituted in other cannabis markets. For example, in Colorado, with the Cannabis Resource Optimization Program and in California, the qualified Cultivator funding opportunity, just to name a few. The time to enact these programs is now. Individuals are being subject to predatory practices due to lack of adequate funding for cannabis businesses and or unable to open due to the financial barriers to entry that a well-regulated industry presents. Thank you. I appreciate you all.
20.	Leslie	Rodriguez	LICC	Can the OCM request assistance from the Governor and Attorney General to aid in the relief of the licensee restricted by municipalities that have opted in. Enforcing Local Laws creating impractical practices obstructing the retail sale of cannabis. Limited to zoning and 500 foot residential set backs when on Long Island leaves few location viable and purchased or leased already. We need help to open the opt in townships.
21.	Ron	Goldstein	Sky's the Limit Inc.	Where is OCM on the QUE? They did not mention what's the status of the QUE on the last Board Meeting! What number are they up to? If the AI system made up a list, they should know what number application they are up to with all the funds and technology they have. WHERE ARE WE ON THE QUE? AND HOW CAN THEY DO ANOTHER ROUND IN NOVEMBER IF THERE STILL DEALING WITH THE QUE?
22.	Andreas	Papanicolaou		When will you guys start processing December Que I applied Nov 8 2024 and you put me in Dec Que even though I own a location now and am paying. Are forget pursuing with legal action at this point?
23.	Geri	Macri		Smelling weed while driving. Very dangerous. We need tougher regulations on driving while using drugs
24.	felicia	vega		I would like to know if you reach a certain amount of dispensaries before you get to the December applications do we get our money back considering you had over 4000 application for December and had no idea of how many dispensaries needed before asking for applications and money .
25.	Brandon	Kurtzman	Vicente LLP	I was hoping that the Board could please provide the public with an update on the status/timeline for decisions on the most recent round of RO applications. Thank you!
26.	felicia	vega		When will you be reviewing the December applications. It's been close to a year and December hasn't been reviewed. What is going on ?
27.	Deltrice	Thompson		Do we have any Clinic Trial data to report affect of cannabis on humans, if not, I would be interested in being a Project Manager of said studies.



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28.	Katherine	Duffy Darmetko		I am a Suny Schenectady student in the Culinary Cannabis class, I'm finding it hard to find out when I will be able to get a micro business license, I called, she said watch the website. I have been watching and it's closed but says opening in 2024 again, it has not yet open back up.
29.	Kristina	Menendez		Protocol in cannabis management
30.	Marco	Rodriguez		Why is it that people who were really affected by the weed laws of before like myself who did 5 years in prison for a weed offense aren't the ones who are given the opportunity to open up legal weed dispensaries
31.	Neil	Anastasio	Forest Regional Residents Civic Association	We urge the Board to deny the approval for siting for an Adult Use Cannabis retail license to application # OCMCAURDP-2023-000086 located in Staten Island at 465 Forest Avenue. The site is smack in the middle of a residential neighborhood which allows only for low density commercial use (C1). This placement will adversely affect pedestrian and vehicular traffic, cause a nuisance to neighbors that immediately abuts the property and should be placed in higher density commercial zones in our area. The proposed site is within 100 ft of schools and places of worship in addition to being on a well traveled route for students. ALL ELECTED OFFICIALS (I have 7 letters all in opposition) OPPOSING THE LICENSE IN WRITING. I have these support letters I would be happy to share these with the Board. Please contact me for these. WE URGE THE BOARD TO OPPOSE THIS LICENSE. The overwhelming majority of our neighborhood is opposed to this licensee at this location. Neil Anastasio, President, Forest Regional Residents' Civic Association.
32.	Paolo	Laporta		I would like to know if and when the December ques will be reviewed and when will the Ocm let participants now about approval
33.	Dave	Jibodh		I would like to know when will the cannabis commissioner(s), allow cannabis to be sold and distributed through vending machine(s) It's a great way to combat the youth(s) from obtaining the cannabis product(s) as these numbers are on a all time high statistically speaking. States like Florida, Colorado & California are dispensing cannabis from high technological advanced vending machine(s) that require special IDentification with equipped facial recognition and ID card readers. Will new york state conform and adapt into this idea?
34.	Mary Ellen	Tirone		We urge the Board to deny an Adult Use Cannabis retail license to application # OCMCAURDP-2023-000086 located in Staten Island at 465 Forest Avenue. The site is smack in the middle of a residential neighborhood which



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				allows only for low density commercial use (C1). This placement will adversely affect pedestrian and vehicular traffic, cause a nuisance to neighbors that immediately abuts the property and should be placed in higher density commercial zones. Granting of this license violates your own guidelines published, namely item 23 in your own guidelines. The proposed site is close to schools and places of worship in addition to being on a well traveled route for students. ALL ELECTED OFFICIALS (7 in number plus our own Community Board) HAVE OPPOSED THE LICENSE IN WRITING. We have these support letters would be happy to share these with the Board. Please contact me for these. WE URGE THE BOARD TO OPPOSE THIS LICENSE. The overwhelming majority of our neighborhood is opposed to this licensee at this location. Mary Ellen Tirone
35.	Larry	Tirone		We urge the Board to deny an Adult Use Cannabis retail license to application # OCMCAURDP-2023-000086 located in Staten Island at 465 Forest Avenue. The site is smack in the middle of a residential neighborhood which allows only for low density commercial use (C1). This placement will adversely affect pedestrian and vehicular traffic, cause a nuisance to neighbors that immediately abuts the property and should be placed in higher density commercial zones. Granting of this license violates your own guidelines published, namely item 23 in your own guidelines. The proposed site is close to schools and places of worship in addition to being on a well traveled route for students. ALL ELECTED OFFICIALS (7 in number plus our own Community Board) HAVE OPPOSED THE LICENSE IN WRITING. We have these support letters would be happy to share these with the Board. Please contact me for these. WE URGE THE BOARD TO OPPOSE THIS LICENSE. The overwhelming majority of our neighborhood is opposed to this licensee at this location. Larry Tirone
36.	Michael	Blyth	Citizen of West Brighton, in Staten Island, NY	I would like the Board to deny an Adult Use Cannabis retail license to application # OCMCAURDP-2023-000086 located in Staten Island at 465 Forest Avenue. The current occupants are S and T Bagels. This location within close proximity to four schools: St. Peters HS, Silver Laker Nursery School, (associated with the temple on Forest Ave.) PS 45, and IS 61. Children and their parents walk by this location daily to get to and from school. Plus, it's a busy commercial street. There are just too many



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				temptations for children to find someone of age nearby to buy cannabis. Smoking marijuana, however legal, is terrible for a person's motivation to do anything constructive. Please stop this license. Michael Blyth, Citizen 917-502-4161
37.	Shauna	Paul	PAULS GREENER GRASS	Thank you for inviting PAULS GREENER GRASS to this open forum.
38.	David	Taveras	CB ENTERPRISES	WHERE ARE WE ON THE QUE? IS THERE ANY SYSTEM PLANNED FOR TRACKING OUR APPLICATIONS SO WE COULD PREPARE ACCORDINGLY
39.	Tim	Thill	CDS Brands	When will the NYS OCM API be up and running?
40.	scott	b		I am writing to you as a licensed cannabis microbusiness owner who went through a long tedious process to express my urgent concern regarding the influx of out-of-state brands entering the New York market without proper licensing or active TPI status. These brands are leveraging partnership agreements to bypass regulations, which is not only unfair but also detrimental to the social equity applicants the market was designed to support. you can find these brands advertising through social media sites. This practice gives these out-of-state brands an undue advantage, undermining the efforts of small social equity businesses who are striving to comply with the regulations. Brands such as Plug Play is just one example of those exploiting these loopholes. I implore you to take immediate action to prevent unlicensed or non-TPI companies from entering the New York market. It is crucial to uphold the integrity of the market and ensure that it remains a level playing field for all participants, especially those who have been historically marginalized. Thank you for your attention to this matter.
41.	Dylan	Spring	Mister Greens	1. What is and isn't allowed with the discount/loyalty programs allowed by dispensaries. 2. Can we allow consumption on the property of the dispensary (i.e. a patio)? 3. For advertising, can we utilize a pamphlet at various locations like hotels, airports, event spaces, ect.?
42.	Stan	Michaels	Leafy NYC II LLC	As someone that is a family-owned business that was boxed out of a location because of another big Corp dispensary that was approved less than 1000 feet from my location, I support the 'Amended AU Cannabis



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				<p>Regulations (part 119).</p> <p>1) The Board is aware of the illicit market in NYC operating with impunity putting our communities at risk and undermining the legitimacy of our collective efforts to birth a legitimate and well-regulated marketplace.</p> <p>2) Allowing proximity protection for previously boxed out ready space adds a legitimate, compliant, licensed partner to NYC who will help displace the illegal shops by providing officially sanctioned, clean, tested products to the community.</p> <p>3) The health and safety of the citizens and visitors to our State are at stake.</p> <p>4) The following critical needs are unmet in the community: The health and safety of the community via safe access to products that are tested, packaged, and regulated by the State. Community confidence in the success of the efforts of the OCM, the CCB and all our licensees seeking to bring legitimate, safe and regulated products to the community and viable alternatives to the illicit and criminal “grey” market. By approving this amendment, you will be helping more people of New York to safely and legal consume cannabis and help New Yorkers like me not lose their savings because of a bigger corporation boxing them out of Proximity Protection.</p>
43.	Joe	Georgia	Village of Victor	<p>(1) We have been advised that cannabis was sold illegally in our village and that OCM investigated the entities that may have been responsible for those sales. We have been able to get very little information about that investigation. How can we get this information?</p> <p>a. Is there a person at OCM we can talk to about this?</p> <p>(2) We have been led to believe that cannabis was inappropriately sold in our Village under a delivery license and that any taxes that were collected are likely to have been (or will be) turned over to the municipality where the “deliverer” did business. We would like to see any punishment for the illegal sales include restitution to compensate our village for any lost tax revenue that we would have received if the sales had been done by a licensed dispensary.</p> <p>a. Who at OCM is responsible for assessing any penalties in such cases?</p> <p>(3) How does OCM communicate with local governments if/when an AURD Licensee has been issued a notice or</p>



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				fine from OCM (4) How can local governments get information from OCM, when emails, phone calls, and FOIL request go unanswered or ignored?
44.	Michael	Rodriguez	Pure Blossoms LLC	My name is Michael Rodriguez, I'm a Caurd licensee. The first 150 Caurd Licensee's were promised the real estate and funding for a turnkey retail dispensary through DASNY's social equity fund. Only a small portion of the first 150 Caurd Licensee's have been granted loans through the Dasny fund. What is the plan to fund the remaining Caurd licensee's? Is there a plan at all? What happened to the promise of a turnkey dispensary? These questions need to be answered in order for Caurd licensee's to move forward. Thank you.
45.	Hector	Bonilla	Diamond Dispensary LLC	Hi I'm Hector Bonilla OCMCAURD 2022-000374 Diamond Dispensary LLC I'm very very grateful to be awarded a License so I want to thank the OCM for that and for letting me sp enter comments here today I also want to salute and give recognition to CAURD and all its members. By making this statement I realize I'm speaking for other people that might be in the same situation so out of respect for them I'm not gonna take a long time so I can be as clear as i possibly can with this statement which is actually just a question. I'm not trying to lose my License so I hope I'm not disrespecting anybody or stepping on anybody's toes when I ask this question We were promised access to funding through a social equity fund, for the first 150 CAURD licensees. Only a small fraction have been granted loans through the fund. The question is this respectfully moving forward What is the plan to help the rest of us ? I know I can't get an answer to this question here today. but hopefully there's someone that is Listening and can actually contact us and answer this question some time in the near future
46.	Saladin	Amir	BCIA	To Whom It May Concern, I am seeking clarification. From the discussion in last month's OCM board meeting, is it correct to assume that the December queue will not be considered this calendar year? And your intention is to use the December Queue as a reserve tank to only be considered if the industry needs Balance? Will John Kagia be the one to determine this imbalance in the industry. If so, what are the criteria to determine market saturation? Please take notice that the majority of the applicants from Community Disproportionately Impacted (CDI) apply in this Queue. New York must stay focused on the restoration of



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				<p>community that were devastated by the prohibition of cannabis. The Social Equity Fund is a great start. Allowing this opportunity to CDI applicants will give strength to the industry due to the talent and expertise we bring to the table.</p> <p>In reference to the Microbusiness license, from what I understand, according to the MRTA section 73 (3): The size, scope and eligibility criteria of a microbusiness shall be determined in regulation by the board in consultation with the executive director and the chief equity officer. The granting of such licenses shall promote social and economic equity applicants as provided for in this chapter. MRTA states "the granting of [Microbusiness] licenses shall promote social and economic equity applicants." Is this still a priority? From what I gathered the majority of the licenses were awarded to the AUCC cohort. A cohort that does not have the social equity status that SEE applicants like myself possesses.</p> <p>Furthermore, it seems the percentage of CDI has dropped 2% from the last 3 CCB meetings, 6% to 4%. The way you are presenting the numbers for SEE applicants leaves me walking away scratching my head. 37% Minority, 41% Women, 9% SDV, 9% Distressed farmers, and 4% CDI. What do these percentages represent? The percentage of market share or share of the allocated 50% SEE applicant cohort? I see 91% of something represented in your slideshow. The next question becomes who represents the other 50% of licensees? Because we have 5 priority groups crammed into 50% of the market share. My SEE applicant colleagues and myself look forward to your response. We have sunk hundreds of hours and thousands of dollars into preparing our cannabis businesses for Microbusiness license application. You sharing additional clarification of the policies that OCM is enacting will help ensure a more equitable foundation for New York State's emerging cannabis industry.</p> <p>SALADIN AMIR</p>
47.	Stella	Fae		<p>There is an appalling lack of adherence to established labor laws within the licensed dispensary space. I, myself, was subjected to wage theft, discriminatory practices, hostile work environment, issues with scheduling, breach of confidentiality, and finally, wrongful termination.</p>
48.	michael	yocina	Wholesale manufacture	<p>It is not possible to reopen a submitted application at this time. Please note once reviewed, that applications will be subject to a one-time, thirty-day period in which errors and ? what is the quarck</p>
49.	Rosemary	Briscoe		<p>When is the application going to be open again?</p>



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50.	William	Hughes	Blaze NY	<p>Dear Honorable Committee Members,</p> <p>On proximity, NYS consist of 62 counties, 52 of which are considered upstate. Most upstate towns/cities zone their municipalities with a main street concept. Upstate communities have put millions into developing their business corridor, while protecting the continuity of residential neighborhoods. The Current cannabis proximity Rules has put pressure on municipalities and cannabis businesses seeking a location. The radius rule specifically is, pushing potential cannabis businesses to look for viable business locations outside most upstate zoned main street business districts.</p> <p>Then Governor Cuomo and now Governor Hochul are investigating millions through the (DRI) Downtown Revitalization Initiative, to help municipalities develop their Downtowns and in most cases tie their Downtowns to their main street business districts. This has proven to be a challenge for some municipalities, because they are being very careful how they mix housing and business. The current OCM radius rule puts even more pressure on municipalities trying to get their residential and business zoning under control. It's understandable to have a rule that puts distance between businesses like cannabis retail. In my opinion, someone who as a former City Alderman and County Supervisor, worked on a fair number of economic development projects, the (radius) rule should be changed and only applied to businesses operating on the same street. This single change would open up more opportunities for potential businesses and allow municipalities to maintain their main street business areas, along with giving them room to protect the continuity of their residential communities.</p> <p>Thank you for your time and attention.</p> <p>Best, William Hughes Blaze NY</p>
51.	Hugo	Rivas	LICC	Lowering the 1000 ft buffer would create a negative impact on already suffering cannabis dispensaries
52.	Patrick	Cannon	Cannon Cultivation LLC	I have been patiently waiting for some type of response. Im currently number 56 on the list for cultivation tier 2. Cannon Cultivation LLC. I have attended every board meeting. Today we were told that up to 1000 in the November que. If I'm number 56 why haven't I received a letter or been contacted. Please someone look into this .
53.	Regis	Cleary		Should the indoor-growroom method of growing cannabis be curtailed in areas zoned for rural agriculture? Based



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				<p>on their high energy use, the strain they place on local energy grids, and the industrial nature of production, the answer is yes.</p> <p>The New York State Climate Leadership and Community Protection Act (CLCPA) act mandates a reduction in greenhouse gas emissions to 40% below 1990 levels by 2030 by 85% from 1990 levels by 2050. The indoor growroom method can use 10 time the energy per pound of cannabis compared to greenhouse cultivation, placing it at odds with New York State objectives. Comparatively, field cultivation uses almost zero energy. Additionally, New York State building and fire codes classify indoor growrooms as factories. Factories have no place in rural agricultural areas. Allowing this use topples the ability of local municipalities to control and guide growth.</p> <p>The Town of Porter, New York is wrestling with a microbusiness application that touches on all the above issues. Being forced to grant a permit under current regulations, allows a factory operation in a rural agricultural area, upending the intent of rural agricultural zoning regulations. To make matters worse, the factory growroom abuts a residential zone created to promote the scenic nature of Lake Ontario. Cannabis is a different product; not corn, not lettuce, not tomatoes, not strawberries. It demands a separate category, divorced from the traditional farm-crop model and brewery or winery models. Search “cannabis growroom” and search “cannabis microbusiness” to discover they don’t exist in agricultural zones in other parts of the country. Economics dictate best industry practices and best cannabis-industry practices place growrooms in commercial or industrial zones.</p> <p>By curtailing indoor growroom use in agricultural areas, New York State promotes sustainable growing methods (like field and greenhouse cultivation) to improve energy efficiency, reduce greenhouse gases, protect residents’ health and safety, and uphold local zoning laws.</p>
54.	Thomas	Ballistrea Jr	Cannabaceae LLC	<p>My name is Thomas Ballistrea Jr., I’m the founder and CEO of Cannabaceae LLC and a graduate of the CCTM program, I’m also proud to be a microbusiness licensee and grateful to have the privilege of being a part of the solution.</p> <p>I’m submitting my comments today to extend my gratitude to everyone that labors to create a post prohibition reality for our community and thank you all for coming to Buffalo to allow me the opportunity to participate in the process, as well as present some challenges that</p>



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				<p>our community is facing.</p> <p>I have found that though there are many challenges licensees are presented with while building their infrastructures, there is one common challenge among our community, access to working capital.</p> <p>As we are all well aware, traditional sources of revenue are not available for Cannabis related businesses and while I applaud the efforts of the board thus far to provide financial relief, such as the programs and amendments that were introduced at today's meeting, I would humbly ask the board to please consider instituting programs that provide capital by way of, grants, loans and tax incentives to licensees.</p> <p>These programs should echo the statutory goals set in the MRTA for equity by setting goals to award 50% of the assistance programs to SEE licensees and take into account the economic status of the licensee when setting the terms of the assistance programs, including but not limited to, the interest rates and/or repayment methods for loans.</p> <p>These assistance programs and incentives should provide working capital and resources that can be used to establish infrastructure in a manner that is compliant and ensures that the development of these businesses has a minimal negative impact on our environment while establishing a safe working environment for individuals.</p> <p>Assistance for the conditional license holders that have sacrificed much to pave the way for the industry and for nascent Cannabis related businesses must be offered by New York state to allow small business to proliferate in a well-regulated industry such as those that have been instituted in other Cannabis markets for example; Colorado established the Cannabis Resource Optimization Program and California established; the Qualified Cultivator funding opportunity, the Cleanup, remediation and watershed Enhancement program; and the Cannabis research and innovation funding opportunity, to name just a few.</p> <p>The time to enact these incentive programs is now, individuals are being subject to predatory practices due to the lack of adequate funding for Cannabis businesses and/or are unable to operate due to the financial barriers to entry that a well-regulated industry presents.</p> <p>Also, please consider amending Article 4 section 120.3 paragraph (c) subdivision 1 to include a combination option for indoor and outdoor cultivation as well as increasing the canopy size limits to allow microbusinesses</p>



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				<p>to compete in the adult use Cannabis market. The current regulations limit the ability of the microbusinesses to be successful and in some cases make the structure of the microbusiness not economically viable given the ability of established licensees to produce Cannabis grown in a controlled environment and at a large scale.</p> <p>Additionally, please consider amending Article 4 section 123.12 paragraph (a) subdivisions 7&8 as well as all corresponding reference to allow Microbusinesses to sell Cannabis products other than their own cannabis products and perhaps limit those sales to other microbusinesses products to elevate the craft industry in New York State.</p> <p>Thank you for leaving the comfort of your homes so that the meeting could be held closer to mine, thank you for all that you do for our community and I look forward to continuing to write the next chapter of post Cannabis prohibition history together with you all.</p>
55.	Gina	Miller		"Please provide a glossary of terms and acronyms as navigating the website is challenging for neurodivergent individuals. Also, it would be helpful to have access to the OCM board meeting slideshow. Unfortunately, the slides were blocked by the online board members' screens."
56.	Susie	Janese	Suny Niagara Student	Is there any where I could give away my homegrown cannabis? I have too much for one person, one household of non users.....