



# Office of Cannabis Management

**KATHY HOCHUL**

Governor

**TREMAINE WRIGHT**

Cannabis Control Board Chair

**JESSICA GARCIA**

Board Member

**HOPE KNIGHT**

Board Member

**CRYSTAL J. RODRIGUEZ DABNEY**

Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**FELICIA A.B. REID**

Acting Executive Director

No. 2024-115  
November 12, 2024

## RESOLUTION TO EXTEND THE PROVISIONAL LICENSE PERIOD FOR CERTAIN CONDITIONAL ADULT-USE RETAIL DISPENSARY LICENSEES

**WHEREAS**, pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is charged with the responsibility of overseeing activities related to adult-use cannabis;

**WHEREAS**, pursuant to Sections 10(4), 10(16), 13, 85(12) and 89 of the Cannabis Law, the Board has the authority to establish standards and requirements, and to promulgate rules and regulations, governing the cultivation, processing, packaging, marketing and sale of adult-use cannabis;

**WHEREAS**, the Board has promulgated and adopted regulations creating the Conditional Adult-Use Retail Dispensary (CAURD) license under Part 116 of Title 9 of the New York Code, Rules and Regulations;

**WHEREAS**, the Board has issued provisional licenses to CAURD applicants who are eligible for the license in accordance with Part 116 of Title 9 of New York Codes, Rules and Regulations, which authorizes the licensee to open a retail dispensary if granted a CAURD provisional license;

**WHEREAS**, 9 NYCRR §116.7(c)(8) states that “the licensee shall commence operations no later than 12 months from the date the license is granted, or as otherwise determined by the Office”;

**WHEREAS**, due to litigation related to the CAURD program in Fiore, et al., v. The New York State Office of Cannabis Management, et al, (Index No. 907282-23), the Board was unable to issue or process and CAURD licenses for the length of the injunction;

**WHEREAS**, on May 10<sup>th</sup>, 2024, the Board approved Resolution Number 2024-73, which allowed CAURD to open retail dispensaries in any region throughout the state and provided a 12-month extension of the provisional license period for CAURD provisional licensees to provide additional time to operationalize their license as a result of the litigation delays and recent ability to search for locations in different regions;

**WHEREAS**, the Office is recommending to the Board an additional six (6) month extension of the provisional license period for CAURD provisional licensees to provide further time to operationalize their license as a result of such litigation delays;



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**WHEREAS**, the Office will consider the operationalization of the provisional license upon the provisional licensee’s completion of the post-selection application and receipt of a final CAURD license issued to the entity, pending the review of such license is not waiting for the Office to issue a final determination, now therefore, be it

**RESOLVED**, the Board agrees with the Office’s recommendation to extend the provisional license period for CAURD who were issued a provisional license before August 7, 2023, for an additional six (6) months, therefore the provisional license period for CAURD provisional licensees shall expire thirty (30) months from the date a CAURD applicant was approved for provisional licensure.