



Office of Cannabis Management

KATHY HOCHUL

Governor

TREMAINE WRIGHT

Cannabis Control Board Chair

JESSICA GARCIA

Board Member

HOPE KNIGHT

Board Member

ADAM W. PERRY

Board Member

JENNIFER GILBERT JENKINS

Board Member

FELICIA A.B. REID

Acting Executive Director

No. 2024-122
December 10, 2024

RESOLUTION DIRECTING THE OFFICE OF CANNABIS MANAGEMENT TO FILE A NOTICE OF ADOPTION FOR 9 NYCRR PART 133

WHEREAS, pursuant to Section 17 of the Cannabis Law, the Cannabis Control Board (Board) is charged with adopting, amending, and repealing administrative rules and regulations governing the procedures to be followed with respect to violations, hearings, and enforcement, issuing subpoenas and administering oaths in connection with any hearing or investigation, making determinations founded upon a preponderance of evidence to sustain charged brought at a hearing, and making appropriate determinations and issuing a final order after a hearing;

WHEREAS, pursuant to Section 13(5) of the Cannabis Law, the Board undertook emergency action and revised rulemaking to implement the authority provided in the Cannabis Law to the Office of Cannabis Management (Office) to act against licensees and unlicensed individuals violating the Cannabis Law, and its rules or regulations, to protect public health and safety;

WHEREAS, on May 10, 2024, the Board voted to approve Resolution No. 2024-72, Resolution Directing the Office to file for Emergency Adoption and Proposed Rulemaking of certain violations, hearings and enforcement regulations, located at Part 133 of Title 9 of the New York Codes, Rules and Regulations (Part 133);

WHEREAS, on September 10, 2024, the Board voted to approve Resolution No. 2024-97, Resolution Directing the Office to file a Notice of Emergency Adoption and Revised Rulemaking of amended violations, hearings and enforcement regulations, which directed the office to adopt revised Part 133 regulations and submit those regulations for additional public comment;

WHEREAS, after the Office assessed the public comment received in response to the Notice of Emergency Adoption and Revised Rulemaking, it recommends that the Board need not make any further substantive changes to the Part 133 regulations;

WHEREAS, the Office further recommends that the Board adopt, on a permanent basis, the Part 133 regulations as specified in the attached, to be effective upon the filing of a Notice of Adoption in the State Register;

WHEREAS, each Board member has previously received and separately reviewed the regulations attached as Attachment A, had the opportunity to ask the Office questions to the extent they needed additional information, and agrees with the Office’s recommendations to permanently adopt those regulations; now therefore, be it



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RESOLVED, that the Board directs the Office to file a Notice of Adoption with the New York State Department of State, adopting the attached Part 133 regulations currently before the Board, to be effective upon the filing of such notice in accordance with the State Administrative Procedure Act.

[Attachment A]