



OCM MOVES INTO COMPLIANCE WITH CANNABIS LAW § 72 (6)

BACKGROUND AND THE ISSUE:

The Office of Cannabis Management (OCM) has conducted a thorough review of agency practices and decision-making protocol(s) to ensure compliance with mandates of the [Marijuana Regulation and Taxation Act \(MRTA\)](#).

OCM recently identified that the process by which the agency has been assessing adult-use retail dispensary location distance requirements relative to schools, first established in 2022, is not consistent with Cannabis Law § 72 (6). This means that earlier guidance did not comply with Cannabis Law § 72 (6).

THE CANNABIS LAW:

Cannabis Law § 72 (6) states:

*“No cannabis retail licensee shall locate a storefront within **five hundred feet of a school grounds** as such term is defined in the Education Law or within two hundred feet of a house of worship.”*

Education Law § 409 (2) defines as school grounds as:

“...any building, structure and surrounding outdoor grounds, including entrances or exits contained within a public or private pre-school, nursery school, elementary or secondary school’s legally defined property boundaries as registered in a county clerk’s office.”

Reading these sections of law together, a cannabis retail dispensary cannot be within 500 feet of a school’s **property line**.

HOW OCM WILL ASSESS DISTANCE IN COMPLIANCE WITH LAW:

OCM will assess distance from the **main entrance of a dispensary location to the nearest property line boundary of a school’s ground** as defined in Education Law § 409 (2). This is a straight-line measurement.

WHO THIS IMPACTS:

- **44** retail applicants who applied under current criteria and are awaiting licensure.
- **108** retail licensees who applied under the current criteria and were awarded licenses.
- Additional applicants and licensees may be identified as OCM continues the analysis of the extent of this issue.

REDC REGION	Count of Current Pending Applications Impacted
Central NY	1
Finger Lakes	2
Mid-Hudson	2
NYC	38
Western NY	1
Total	44

Please Note: The numbers listed below may change based on further analysis.

REDC REGION	Count of Current Licensed Businesses Impacted
Capital District	2
Central NY	1
Finger Lakes	2
Long Island	1
Mid-Hudson	8
Mohawk Valley	1
North Country	1
NYC	89
Southern Tier	2
Western NY	1
Total	108

NEXT STEPS:

- **Formal Notice:** The Office has contacted impacted licensees and applicants by phone and by letter/email with detailed information about the practice correction and timeline.
- Acting Executive Director Felicia A.B. Reid has issued memos providing additional guidance to impacted applicants and licensees: Read the memo to [applicants](#) | Read the memo to [licensees](#)
- If OCM identifies any additional applicants or licensees as analysis continues, OCM will contact them by phone and letter/email.

SUPPORT FOR APPLICANTS:

- The Governor and OCM are planning to propose a legislative amendment to Cannabis Law during the 2026 legislative session that applies to impacted licensees and applicants.
- The Office identified several applications for a proposed adult-use retail location that do not comply with Cannabis Law § 72 (6). **If the legislation does not get amended, the applicants will be required to find new locations before moving ahead in the application process.**
- To lessen the burden of this practice correction, the Governor's Office, OCM and Empire State Development have coordinated to create an **Applicant Relief Program**, funded at \$15M.
- Under the Program, impacted applicants can seek coverage, **up to \$250,000**, of certain expenses related to:
 - Finding a new location, and/or
 - Location acquisition or capital improvements made to their original location
- OCM will contact impacted applicants with additional information on how to access the Program. Applicants will still be able to pursue licensure, even if they participate in the Program. **Please Note: the Applicant Relief Program is only available to impacted applicants and not licensees.**
- If an impacted applicant's application is complete and the *only* outstanding issue is having a proposed location that does not comply with Cannabis Law § 72 (6), OCM can issue the applicant a provisional license to be able to submit a new location for consideration. If the impacted applicant already has a provisional license, OCM and the Board will work to extend the provisional period.

SUPPORT FOR LICENSEES:

The Governor and OCM are planning to propose a legislative amendment to Cannabis Law during the 2026 legislative session that applies to impacted licensees and applicants. The Office identified several licensee locations that do not comply with Cannabis Law § 72 (6). The Governor's Office and OCM will be proposing and aggressively pursuing legislation to address licensees whose businesses are at locations in conflict with Cannabis Law § 72 (6). This legislation would permit licensees to remain at their present licensed location. **Importantly, passage of proposed legislation is the prerogative of the New York State Legislature and is not a guarantee.**

As there is the risk that legislation to allow licensees to remain at their current locations may not pass and OCM cannot renew licenses at locations that do not comply with Cannabis Law § 72 (6), licensees will need a new Cannabis Law § 72 (6) -compliant location before the Cannabis Control Board can finalize license renewal.

SUPPORT & CONTACT INFORMATION:

If your business or application are identified as being impacted by this change, you will be contacted by the Office of Cannabis Management directly.

- For questions related to the school ground proximity location change, please reach out to: Locations@ocm.ny.gov
- For additional emotional support, the Office encourages you to contact the **New York State Crisis Support** hotline by dialing 9-8-8 from any phone.

OCM is deeply grateful for your partnership and contribution to the New York cannabis.
We are committed to helping you through this difficult change with dignity, care, and clarity.