



No. 2025-73

October 6, 2025

RESOLUTION DELEGATING TO THE CHAIR THE POWER TO REVIEW AND APPROVE WRITTEN DECISIONS EXPLAINING THE BOARD’S DETERMINATIONS ON MATTERS INVOLVING THE CONSIDERATION OF WHETHER APPROVAL OF A LICENSE WOULD PROMOTE A PUBLIC CONVENIENCE AND ADVANTAGE

WHEREAS, pursuant to Article 2 Section 10(1) of the Cannabis Law, the Board is charged with the power and duty to exercise discretion to issue or refuse to issue any registration, license or permit provided for in the Cannabis Law;

WHEREAS, pursuant to Section 10(11), the Board is authorized to exercise the powers and perform the duties in relation to the administration of the board and the office of cannabis management as are necessary but not specifically vested by the Cannabis Law;

WHEREAS, Article 4 of the Cannabis Law governs the activities related to adult-use cannabis, including applying to the Board for a license to cultivate, process, distribute, deliver or dispense cannabis within this state for sale;

WHEREAS, pursuant to Section 119.4(b) of Title 9 of the New York Codes, Rules and Regulations (9 NYCRR), the Board may determine that granting a license would promote public convenience and advantage as described in paragraphs [9 NYCRR 119.4(a)(1) and 119.4(a)(2)] by considering the following factors, which include: (1) the number, classes, and character of other licenses in proximity to the premises and in the particular municipality or subdivision thereof; (2) evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies; (3) whether there is a demonstrated need for such license, (4) effect of the grant of the license on pedestrian or vehicular traffic, and parking, in proximity to the premises; (5) the existing noise level at the premises and any increase in noise level that would be generated by the proposed premises; (6) the history of cannabis violations and reported criminal activity at the proposed premises; and (7) any other factors specified by law or regulation that are relevant to determine granting a license would promote public convenience and advantage of the community;

WHEREAS, the Board desires to delegate to the Board Chair the power to review and approve written decisions of the determinations made on matters involving consideration of whether a non-viable location promotes public convenience and advantage pursuant to 9 NYCRR 119.4(b). Provided, however, that if the Chair votes against the majority determination, the Board will delegate reviewing authority to a member who voted in the majority and who holds the longest tenured position on the Board;



**Office of Cannabis
Management**

BOARD MEMBERS

Hope Knight
Crystal Rodriguez-Dabney
Brad Usher

KATHY HOCHUL

Governor

JESSICA GARCIA

Cannabis Control Board
Chair

FELICIA A.B. REID

Acting Executive Director

WHEREAS, on May 20, 2025, the Board previously passed Resolution No. 2025-37, which delegated to the Chair authority to review and approve written decisions explaining the Board’s determinations on matters regarding whether a non-viable location promotes public convenience and advantage pursuant to 9 NYCRR 119.4(b); now, therefore, be it

RESOLVED, that Resolution No. 2025-37 is rescinded, effective immediately; and be it further

RESOLVED, that effective immediately, the Chair or the Board member delegated according to the terms of this Resolution shall have the authority to review and approve written decisions explaining of the Board’s determinations made on matters involving consideration of whether a promotes public convenience and advantage pursuant to 9 NYCRR 119.