



BOARD MEMBERS

Hope Knight
Crystal Rodriguez-Dabney
Brad Usher

KATHY HOCHUL

Governor

JESSICA GARCIA

Cannabis Control Board Chair

JOHN KAGIA

Acting Executive Director

No. 2026-19
March 5, 2026

RESOLUTION TO DIRECT THE OFFICE OF CANNABIS MANAGEMENT TO CONSIDER LICENSEE AMENDMENT APPLICATIONS TO EXPAND ADULT USE CULTIVATOR CAPACITY

WHEREAS, pursuant to Section 10(4) and Section 10(9) of the Cannabis Law, the Cannabis Control Board (“Board”) has the authority to regulate the Adult Use Cannabis Market, including authority to set the forms of application for licensure and the standards of cultivation for Adult Use Cultivator Licensees;

WHEREAS, pursuant to Section 10(23) of the Cannabis Law, the Board is permitted to delegate authorizations to the Office of Cannabis Management (“Office”) and, through the promulgation of regulations at 9 NYCRR 120.3(b)(4), the Board has authorized the Office to receive and approve applications from licensees to expand the maximum cultivation canopy allowed under their license;

WHEREAS, the Office has communicated to the Board that a shortage may emerge in New York’s Adult Use cannabis market as Cultivator licensees are anticipated to produce too little product to meet future market demand by 356 thousand pounds;

WHEREAS, the Board agrees with the assessment of the Office that a supply shortage may emerge due to insufficient cannabis production by Adult Use Cultivator licensees to meet New York State’s Adult Use market demand;

WHEREAS, pursuant to 9 NYCRR 120.3(g), Adult Use Cultivator licenses may modify their canopy tier or maximum cultivation canopy based on the seven factors identified by regulation upon consideration and approval by the Office;

WHEREAS, pursuant to 9 NYCRR 120.3(g)(7), the Office may consider additional factors approved by the Board when scrutinizing applications to expand maximum allowed cultivation canopy from Adult Use Cultivation licensees; therefore, be it

RESOLVED, that the Board directs the Office to process canopy expansion requests from Adult Use Cultivator licensees using the factors in 9 NYCRR 120.3(g), requiring, *inter alia*, review of a minimum of twelve (12) months of cultivation history to address the anticipated supply gap of 356 thousand pounds of cannabis product in the New York Adult Use market; and further, be it

RESOLVED, the Board approves, in addition to the factors enumerated in 9 NCYRR 120.3(g), that the Office shall consider additional factors when deciding to approve or deny the expansion of Adult Use Cultivator licensees’ maximum allowable cultivation canopy, including but not limited to, how long a licensee has been



**Office of Cannabis
Management**

BOARD MEMBERS

Hope Knight
Crystal Rodriguez-Dabney
Brad Usher

KATHY HOCHUL

Governor

JESSICA GARCIA

Cannabis Control Board Chair

JOHN KAGIA

Acting Executive Director

operational; market need for expanded total cultivation canopy in New York State; and the licensee's overall compliance with the Cannabis Law and Regulations and any other applicable state and Federal laws.