



New York's Marihuana Regulation and Taxation Act: The Legalization of Adult-Use Cannabis in New York

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Overview

On March 31, 2021, Governor Cuomo signed into law Chapter 92 of the Laws of 2021. Known as “the marihuana regulation and taxation act” (MRTA), this legislation was enacted with the stated purpose of creating a regulated and taxed cannabis industry in New York and to provide for social and economic justice related to the sale and use of cannabis. While the MRTA legalizes the possession and use of cannabis immediately, the actual sale of adult-use cannabis is not expected to begin until late 2022 or early 2023.

The MRTA enacts an entirely new chapter of the New York State Laws (Chapter 7-A, Cannabis Law) and substantially amends numerous other provisions of State law to provide for the implementation of adult-use cannabis. In addition, the MRTA establishes two new State agencies called the New York State Cannabis Control Board and the Office of Cannabis Management, which will administer the State’s adult-use and medical use programs, promulgating rules, issuing licenses, and investigating and enforcing infractions of the law. The regulatory framework created by the MRTA is in many ways similar to how the State currently regulates alcohol via the Alcoholic Beverage Control Law and the New York State Liquor Authority.

The MRTA creates a heavily regulated market requiring individuals and organizations to obtain a license before engaging in any of the myriad types of authorized cannabis businesses, including cultivating, processing, distributing, delivering, dispensing cannabis, or operating a cooperative, microbusiness, nursery, or on-site consumption establishment.

Legalization of Cannabis Use

The MRTA amends the NYS Penal Law, adding Article 222 Cannabis, which sets forth both legal and illegal activities regarding adult-use cannabis. Penal Law § 222.05 expressly states that any individual 21 or older may:

- (a) possess, display, purchase, obtain, or transport up to 3 ounces of cannabis and up to 24 grams of concentrated cannabis
- (b) transfer, without compensation, to another person 21 or older, up to 3 ounces of cannabis and up to 24 grams of concentrated cannabis;

- (c) use, smoke, ingest, or consume cannabis or concentrated cannabis unless otherwise prohibited by state law;
- (d) possess, use, display, purchase, obtain, manufacture, transport or give to any person 21 or older cannabis paraphernalia or concentrated cannabis paraphernalia;
- (e) plant, cultivate, harvest, dry, process or possess cultivated cannabis in accordance with Penal Law § 222.15; and
- (f) (i) assist another person who is 21 or older or (ii) allow property to be used in any of the acts described in the preceding paragraphs.

In addition, cannabis, concentrated cannabis, cannabis paraphernalia or concentrated cannabis paraphernalia involved in any lawful conduct under Penal Law § 222.05 are not contraband nor subject to seizure or forfeiture of assets. Moreover, conduct deemed lawful by Penal Law §222.05 may not be the basis for law enforcement approaching, searching, seizing, arresting or detaining an individual. These provisions of law took effect March 31, 2021.

Local Opt-Out of Retail Sales

General Provisions

Cities, villages, and towns may opt out of allowing retail dispensaries and/or on-site consumption establishments from locating and operating within their boundaries. To effectuate the opt-out, such local governments must adopt a local law subject to a permissive referendum on or before December 31, 2021. A town opt-out only applies to the area of the town outside of any village(s) located therein. No city, village, or town may opt out after December 31, 2021. However, a local government that, in 2021, opts out of allowing retail dispensaries and/or on-site consumption establishments from locating within their boundaries may repeal such opt-out at any time. The local government opt-out does not apply to other types of licensed activities under the Cannabis Law.

Conducting the Permissive Referendum in Cities

The Municipal Home Rule Law sets forth the process and procedures required to conduct mandatory and permissive referenda in cities. Failure to follow the procedure required by law for conducting a referendum may result in the city council's action being invalidated.¹

Any local law adopted by a city that is subject to permissive referendum will not take effect until:

1. 45 days after its adoption have passed; and
2. It is approved by the electors of the city, if a petition is filed requiring the law be approved by a majority vote of the electorate.²

Petitions must be made on separate sheets of paper and the signatures on each sheet must be signed and authenticated in the manner provided by the Election Law for the signing and authorizing of nominating petitions.³ These sheets, when fastened together and offered for filing, are deemed to constitute one petition.

Petitions must be filed in the city clerk's office within 45 days of the adoption of the local law. Petitions must be signed by a number of electors equal to 10% of the total number of votes cast in the city for governor at the last gubernatorial election.⁴ All signers of the petition must be qualified voters.⁵ A qualified voter is an individual who is currently registered to vote and was also registered during the previous general election.⁶

If a petition is filed, a proposition on the local law must be submitted to the voters at the next election of State or local government, not less than 60 days after the filing of the petition. The petition may also request that the city council direct a special election be held.⁷

Once the petition has been filed with the city clerk, he or she must examine it not later than 30 days after the date of filing, or 45 days before the date of the election where the referendum would appear on the ballot, whichever is earlier. The clerk then transmits a certificate to the city council attesting that he or she has examined the petition and stating whether the petition complies with the law's requirements.⁸

If within five days after the last day to file a certificate to the legislative body, a written objection to the clerk's certification is filed in the State Supreme Court in the county in which the city is located, the court must determine any question arising from the petition and issue an order. This proceeding must be heard and determined in the manner prescribed in Election Law § 16-116.

Conducting the Permissive Referendum in Villages

A local law adopted by a village that is subject to a permissive referendum under Municipal Home Rule Law § 24, or any other State statute, will be conducted pursuant to **Article 9 of the Village Law**.⁹ Under Article 9, a village board of trustees may bypass the petition process by submitting a permissive referendum to voters upon its own motion.¹⁰ Compliance with Article 9 is therefore consistent with the terms of the Municipal Home Rule Law. Additionally, Village Law § 9-900(1) states that whenever the Village Law provides that an act or resolution of the board of trustees is subject to a permissive referendum, the permissive referendum must be conducted as provided in Article 9.

Many referenda may be timed so that they are held during a regularly scheduled village election. The criteria for determining when a referendum is to be held is set forth in Village Law § 9-902. If the petition for a permissive referendum is filed after the first day of the month in which a general village election is to be held and before the first day of the month two months prior to the next general village election, the referendum must be held at a special election of the village to be held not less than 10, nor more than 60, days after the filing of the petition.¹¹

Within 10 days after the board of trustees adopts any local law or resolution that is subject to a permissive referendum, the village clerk must post and publish, in the same manner as provided for the notice of a general village election, a notice setting forth the date that the local law or resolution was adopted.¹² The notice must also contain an abstract of the local law or resolution stating its purpose and indicating that the local law or resolution is subject to a permissive referendum. If more than one referendum is to be voted upon, each must be separately and consecutively numbered.¹³

The purpose of this notice is to afford the electorate the opportunity to circulate a petition on the question. If the local law or resolution is subject to a mandatory referendum, this notice is not required.

For a vote to be held on a local law or resolution that is subject to a permissive referendum, a valid petition must be filed in the office of the village clerk within 30 days of the passage of the legislative act. If no petition is filed within the 30 days, the local law or resolution goes into effect by operation of law.¹⁴

The petition must be signed by a number of village electors equal to at least 20% of the electors of the village, as shown on the register of electors for the previous general village election.¹⁵ It must be noted that the percentage requirement is 20% of residents registered to vote, and not 20% of residents who actually voted.

If an act is subject to a permissive referendum, the board of trustees may, upon its own motion, submit the act to a referendum, eliminating the need for a petition.¹⁶ This is an alternative to the citizen-initiated petition process and expedites the vote by eliminating the petition's "waiting period." The remainder of the process would be the same as if a petition had been filed on the date that the board submits the act to the referendum.¹⁷

For information on the process and procedure of conducting permissive referenda, see NYCOM's publication [Enacting Local Legislation and Conducting Referenda](#), available for download from the member's section at www.nycom.org. A sample local law opting out of hosting retain cannabis dispensaries and/or on-site cannabis consumption establishments can be found at the end of this document.

State Preemption & Local Time, Place, and Manner Restrictions

Counties, cities, villages, and towns are preempted from adopting any law, rule, ordinance, regulation or prohibition pertaining to the operation or licensure of registered organizations, adult-use cannabis licenses or cannabinoid hemp licenses. Cities, villages, and towns may nonetheless pass local laws and regulations governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption site, provided such laws or regulations do not make the operation of such licensed retail dispensaries or on-site consumption sites unreasonably impracticable as determined by the Cannabis Board. All adult-use licensees must comply with local zoning regulations.

Notwithstanding any local regulations, retail dispensary signage is prohibited except as authorized by the Cannabis Control Board. In addition, neither retail dispensaries nor on-site consumption establishments may be located within 500 feet of school grounds as such term is defined in the NYS Education Law or within 200 feet of a house of worship.

Notification to Location Governments of License Applications

Pursuant to Cannabis Law § 76, cultivators, processors, distributors, retail dispensaries, and on-site consumption license applicants must notify the municipality in which the applicant's premises is located of their intent to file an application for that location. The notice must be filed with the municipal clerk not less than 30 days nor more than 270 days before filing the license application with the State. The notification must be made in the form prescribed by Cannabis Control Board. If a local government expresses an opinion for or against the granting of the registration, license or permit application, that opinion will be deemed part of the record upon which the Office of Cannabis Management makes its licensure recommendation to the Cannabis Control Board to grant or deny the application. The Cannabis Control Board must respond in writing to the municipality with an explanation of how such opinion was considered in granting or denying the application.

License applicants must notify the municipality by: (a) certified mail, return receipt requested; (b) overnight delivery service with proof of mailing; or (c) personal service upon the offices of the clerk or community board.

The form of the notification will include

- a) the trade name or "doing business as" name, if any, of the establishment;
- b) the full name of the applicant;
- c) the street address of the establishment, including the floor location or room number, if applicable;
- d) the mailing address of the establishment, if different than the street address;
- e) the name, address and telephone number of the attorney or representative of the applicant, if any;
- f) a statement indicating whether the application is for:
 - i. a new establishment;

- ii. a transfer of an existing licensed business;
- iii. a renewal of an existing license; or
- iv. an alteration of an existing licensed premises;
- g) if the establishment is a transfer or previously licensed premises, the name of the old establishment and such establishment's registration or license number;
- h) in the case of a renewal or alteration application, the registration or license number of the applicant; and
- i) the type of license being applied for.

Police Right to Inspect Licensed Operations

Pursuant to Cannabis Law § 79, peace and police officers will be able to inspect all licensed or permitted premises and all records of licensed operators. Such inspections may only be done in a manner so as not to interrupt ordinary business and not to compromise the licensees' safety and security procedures. Such inspections may include, but are not limited to, ensuring the licensee or permittee is complying with the NYS Cannabis Law, the regulations promulgated pursuant thereto, and other applicable State and local building codes, fire, health, safety, and other applicable regulations.

Local Revenues from Cannabis Sales

The MRTA adds a new Article 20-C to the New York State Tax Law, entitled Tax on Adult-Use Cannabis Products. Article 20-C imposes multiple State taxes on both the distribution and the retail sale of adult-use cannabis. In addition, Tax Law § 493(c) imposes a 4% local tax on the retail sale of adult-use cannabis which will be distributed to the county and the city, village, or town in which the sale occurs. Thus, if a city, village, or town has opted out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments to locate within their boundaries, that municipality will not receive any revenue from the local cannabis sales tax.

The New York State Comptroller will distribute taxes collected pursuant to Tax Law § 493(c) to counties in which adult-use cannabis retail sales occur. The counties are entitled to retain 25% of the monies distributed by the Comptroller. The counties must distribute the remaining 75% of the monies to the cities, villages, and towns within the county in proportion to the sales of adult-use cannabis products by the retail dispensaries in such cities, villages, and towns.

If a retail dispensary is located in a village within a town that also permits cannabis retail sales, then the county must distribute the monies attributable to such retail dispensary to the town and village as agreed upon by the governing bodies of those local governments. In the absence of such an agreement, the county must evenly divide the monies between the town and village. The moneys will be distributed on a quarterly basis.

There are no restrictions placed on how the local governments may use these local revenues.

Programs Financed by the State

The MRTA establishes several funds consisting of revenues collected by the State pursuant to Article 20-C of the NYS Tax Law to finance myriad programs related to the legalization of cannabis. The New York State Cannabis Revenue Fund (Tax Law § 99-ii) will be used for Office of Cannabis Management and Cannabis Control Board operations, funding cannabis equity programs, researching the impacts of cannabis legalization, funding State Police and the Department of Motor Vehicles implementation of the MRTA (including expanding and enhancing the drug recognition expert training program and technologies utilized in the process of maintaining road safety), schools, and drug treatment and public education programs. The New York State

Drug Treatment and Public Education Fund (Tax Law § 99-jj) will be used by the Office of Addiction Services and Supports to develop and implement a youth-focused public health education and prevention campaign and a statewide public health campaign focused on the health effects of cannabis and legal use, and to provide substance use disorder treatment programs for youth and adults. The New York State Community Grants Reinvestment Fund (Tax Law § 99-kk) will be used to fund the awards by the State Cannabis Advisory Board to reinvest in communities disproportionately affected by past federal and State drug policies. The grants must be used to support job placement, job skills services, adult education, mental health treatment, substance use disorder treatment, housing, financial literacy, community banking, nutrition services, services to address adverse childhood experiences, afterschool and child care services, system navigation services, and legal services to address barriers to reentry.

Personal Cultivation of Cannabis

Pursuant to Penal Law § 222.15, individuals 21 or older may plant, cultivate, harvest, dry, process and possess up to three mature cannabis plants and three immature cannabis plants at their private residence at any one time. Cannabis must be securely stored by reasonable steps designed so that the plants are not accessible to any person under 21. No more than six mature and six immature cannabis plants may be cultivated within any private residence, regardless of the number of individuals 21 or older who reside there. Individuals may lawfully possess up to five pounds of cannabis in their private residence or on the grounds of their private residence, so long as they take reasonable steps designed to ensure that the cannabis is in a secured place not accessible to any person under 21. A violation of Penal Law § 222.15 is subject to a civil penalty of up to \$125 per violation.

Cities, villages, towns, and counties may enact reasonable regulations of personal cultivation and home possession. Violations of such regulations may constitute an infraction subject to a civil penalty of no more than \$200. Local governments may not adopt regulations that prohibit personal cultivation or possession as authorized under Penal Law § 222.15.

Personal cultivation of cannabis pursuant to Penal Law § 222.15 is not allowed until the Office of Cannabis Management issues regulations for home cultivation and storage. The Office must issue such regulations for home cultivation by certified cannabis patients no later than September 30, 2021. Regulations for personal cultivation by adult-use cannabis consumers must be promulgated no later than 18 months following the first authorized retail sale of adult-use cannabis products to a cannabis consumer. Consequently, legal home cultivation for recreational use is not likely to be allowed under the MRTA until 2024 or beyond.

Protections for Cannabis Users

In addition to the legal use of cannabis authorized under Penal Law §§ 222.05 and 222.15, Cannabis Law § 127 prohibits individuals from being discriminated against for engaging in conduct permitted under the Cannabis Law. Landlords are expressly prohibited from refusing to lease to and may not otherwise penalize an individual solely for conduct authorized by the Cannabis Law, except (a) if failing to do so would cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations; or (b) if the property has in place a smoke-free policy, it is not required to permit the smoking of cannabis products on its premises, provided no such restriction may be construed to limit the certified medical use of cannabis.

Schools, colleges, and universities may not refuse to enroll and may not otherwise penalize individuals solely for conduct allowed by the Cannabis Law, except (a) if failing to do so would cause the school, college or university to lose a monetary or licensing-related benefit under federal law or regulations; or (b) if the school, college or university has adopted a code of conduct prohibiting cannabis use on the basis of a sincere religious belief of the school, college or university.

Sale of Cannabis

Cannabis may not be sold to anyone who is under the age of 21 or who is visibly intoxicated. Cannabis retailers may not sell cannabis products knowing or reasonably believing that the person to whom the cannabis products are being sold is acquiring the cannabis for the purpose of selling or giving it away in violation of State law or regulations.

Cannabis purchasers must provide written evidence of their age, which may consist of:

- a) a valid driver's license or non-driver identification card issued by the NYS Department of Motor Vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada, or
- b) a valid passport issued by the United States government or any other country, or
- c) an identification card issued by the United States armed forces.

Special Rules for Licensing of On-Site Consumption Establishments

In approving on-site consumption licenses, the Cannabis Control Board may consider various factors, including but not limited to:

- (a) the number, classes, and character of other licenses in proximity to the location and in the particular municipality;
- (b) whether there is a demonstrated need for spaces to consume cannabis;
- (c) any effect on pedestrian or vehicular traffic, and parking;
- (d) potential noise impact generated by the proposed premises; and
- (e) any other factors specified by law or regulation that are relevant to determine that granting a license would promote public convenience and advantage and the public interest of the community.

In addition to sales being restricted to individuals 21 years of age and older, no one under 21 years of age may be permitted on the premises of a cannabis on-site consumption facility.

Social Equity Program

One of the primary objectives of the MRTA is to promote social equity and justices. To that end, the Cannabis Law establishes programs to foster social equity and assist minority and women-owned businesses, distressed farmers, and service-disabled veterans. The Cannabis Law requires the State to develop a social and economic equity plan and an incubator program designed to promote racial, ethnic, and gender diversity when issuing licenses, with a goal of awarding 50% of adult-use cannabis licenses to social and economic equity applicants and to help communities disproportionately impacted by the enforcement of cannabis prohibition.

Law Enforcement Practices

In any criminal proceeding, no finding or determination of reasonable cause to believe a crime has been committed may be based solely on evidence of the following facts and circumstances, either individually or in combination with each other:

- (a) the odor of cannabis;
- (b) the odor of burnt cannabis;
- (c) the possession of or the suspicion of possession of cannabis or concentrated cannabis in the amounts authorized in Penal Law Article 222;
- (d) the possession of multiple containers of cannabis without evidence of concentrated cannabis in the amounts authorized in Penal Law Article 222;
- (e) the presence of cash or currency in proximity to cannabis or concentrated cannabis; or

- (f) the planting, cultivating, harvesting, drying, processing or possessing cultivated cannabis in accordance with Penal Law § 222.15.

The prohibition in Penal Law § 222.05(3)(b) with respect to the odor of burnt cannabis does not apply when a law enforcement officer is investigating whether a person is operating a motor vehicle, vessel or snowmobile while impaired by drugs. However, during such investigations, the odor of burnt cannabis does not provide probable cause to search any area of a vehicle that is not readily accessible to the driver and reasonably likely to contain evidence relevant to the driver's condition.

Public Consumption of Cannabis

With respect to smoking and vaping, cannabis is treated the same as smoking or vaping tobacco products. Consequently, pursuant to Public Health Law Article 13-E, cannabis may not be smoked or vaped in the following indoor areas:

- (a) places of employment;
- (b) bars;
- (c) food service establishments, except as provided in Public Health Law § 1399-q;
- (d) enclosed indoor areas open to the public containing a swimming pool;
- (e) public means of mass transportation, including subways, underground subway stations, and when occupied by passengers, buses, vans, taxicabs and limousines;
- (f) ticketing, boarding and waiting areas in public transportation terminals;
- (g) youth detention centers and facilities;
- (h) any facility that provides child care services;
- (i) child day care centers;
- (j) group homes for children;
- (k) public institutions for children;
- (l) residential treatment facilities for children and youth;
- (m) all public and private colleges, universities and other educational and vocational institutions, including dormitories, residence halls, and other group residential facilities that are owned or operated by such colleges, universities and other educational and vocational institutions, except that these restrictions do not apply in any off-campus residential unit occupied by a person who is not enrolled as an undergraduate student in such college, university or other educational or vocational institution;
- (n) general hospitals and residential health care facilities;
- (o) commercial establishments used for the purpose of carrying on or exercising any trade, profession, vocation or charitable activity;
- (p) indoor arenas;
- (q) zoos; and
- (r) bingo facilities.

In addition, smoking or vaping of cannabis is not permitted in the following outdoor areas:

- (a) ticketing, boarding or platform areas of railroad stations operated by the MTA;
- (b) on the grounds of hospitals and residential health care facilities or within 15 feet of a building entrance or exit.

Pursuant to Penal Law § 222.10 and Public Health Law Article 13-E, individuals may not smoke or vape cannabis on school grounds (as defined by Education Law 1125(10)), within 100 feet of entrance, exit or outdoor areas of an elementary or secondary school or of a public library (except this does not apply to smoking or vaping in a residence or within the real property boundary lines of residential real property), or in or on a school bus.

New York Courts have ruled that local governments are not preempted from imposing their own local smoking and vaping restrictions that are more stringent than what is mandated under Public Health Law Article 13-E (the “Clean Air Act”). Additionally, NYS Public Health Law § 1399-r provides in relevant part that “Nothing herein shall be construed to restrict the power of any county, city, town, or village to adopt and enforce additional local law, ordinances, or regulations which comply with at least the minimum applicable standards set forth in this article.”

Moreover, local governments may impose their own smoking and vaping restrictions for property owned or controlled by the municipality, including parks and playgrounds.

Local Officials’ Interest in Cannabis Operations

Cannabis Law § 137 prohibits any chief of police, police officer or subordinate of any police department in New York from having an interest, either directly or indirectly, in the cultivation, processing, distribution, or sale of cannabis products, or from offering for sale or recommending to any registered organization or licensee any cannabis products. This prohibition does not apply to the spouse or domestic partner of such an official. Elected village officials are not subject to these limitations unless they are assigned duties directly relating to the operation or management of the police department. This restriction is similar to NYS Alcoholic Beverage Control Law § 128, which prohibits police officers and village officials who manage the police department from having an interest in the manufacture or sale of alcoholic beverages.

Employer Concerns

The MRTA bars employers from discriminating against individuals for cannabis use (See Labor Law § 201-d). However, the MRTA amends Labor Law § 201-d to provide that notwithstanding its prohibitions against discrimination, employers are not be barred from discharging or disciplining an employee (a) if doing so is mandated by State or federal statute or regulation (e.g., CDL requirements) or (b) if the employee is impaired while on the job.

Illegal Possession, Use, and Sale of Cannabis

While the MRTA legalizes adult-use cannabis, it does impose penalties for activities that are not authorized by the Cannabis Law or the Penal Law. Individuals under the age of 21 who are found to be in possession of cannabis or cannabis products are subject to a \$50 civil penalty (Cannabis Law § 132). Additionally, Article 222 of the Penal Law makes possessing or selling various amounts of cannabis and cannabis concentrate subject to various penalties.

Licensees are subject to civil penalties and license suspension and revocation for myriad violations.

Expungement of Records

The MRTA provides extensive procedures for expunging criminal records for many previous cannabis related convictions. The NYS Division of Criminal Justice Services and the Office of Court Administration will be promulgating rules and guidance to facilitate expunging these convictions and the handling of any records related thereto.

¹ 1990 N.Y. Op. Atty. Gen. (Inf.) 35.

² M.H.R.L. § 24(1)(a).

³ M.H.R.L. § 24(1)(a).

⁴ Id.

⁵ General discussion as to number and qualifications of petitioners for a local law subject to a referendum on petition. 1978 N.Y.

Op. Atty. Gen. (Inf.) 291.

⁶ Id.

⁷ M.H.R.L. § 24(1)(a).

⁸ M.H.R.L § 24(1)(a).

⁹ M.H.R.L § 24(1)(b).

¹⁰ Village Law § 9-908.

¹¹ Village Law § 9-902(5).

¹² Village Law § 9-900(2).

¹³ Village Law § 9-904.

¹⁴ Village Law § 9-902(1).

¹⁵ Id.

¹⁶ Village Law § 9-908.

¹⁷ Id.

Pursuant to the authority vested in the Cannabis Control Board by Section 13 of the Cannabis Law, Chapter II of Subtitle B of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York is hereby amended, and a new Part 116 is added, to be effective upon publication of a Notice of Adoption in the New York State Register, to read as follows:

Part 116

Conditional Adult-Use Retail Dispensary

Part 116 – Conditional Adult-Use Retail Dispensary

§ 116.1 Definitions.

§ 116.2 Application for Conditional Adult-Use Retail Dispensary License.

§ 116.3 Attestations.

§ 116.4 License Eligibility and Evaluation.

§ 116.5 Denials.

§ 116.6 Application for Renewal or Transition.

§ 116.7 Requirements and Prohibitions for a Conditional Adult-Use Retail Dispensary.

§ 116.8 Suspension, Revocation, and Surrender.

§ 116.9 Severability.

§ 116.1 Definitions.

For the purposes of this Part, the following terms shall have the following meanings:

- (a) *Act* means the Marihuana Regulation and Taxation Act, Chapter 92 of the Laws of 2021.
- (b) *Aggregate ownership interest* means the total ownership interest held by:
 - (i) a legal entity and any legal entity in its multilevel ownership structure; or
 - (ii) an individual and the spouse, domestic partner, civil union partner, child, sibling, or parent of such individual.
- (c) *Applicant* means a person applying for a license under this Part.
- (d) *Board* means the New York State Cannabis Control Board established pursuant to the Act.
- (e) *Bona fide labor organization* means a local labor union:
 - (1) that represents employees in this state with regard to wages, hours and working conditions;
 - (2) in which officers have been elected by secret ballot or otherwise in a manner consistent with federal law; and

(3) that is free of domination or interference by any employer and has received no improper assistance or support from any employer.

(f) *Conditional period* means four years from the date the license is granted.

(g) *Control* means the power to order or direct the management, managers, or policies of a person.

(h) *Eligible Applicant* means an applicant that satisfies all the required elements in section 116.4 of this Part.

(i) *Financial institution* means any bank, mutual savings bank, consumer loan company, credit union, savings and loan association, trust company, or other lending institution under the jurisdiction of the Department of Financial Services.

(j) *Financial interest* means any actual or future right to ownership, investment or compensation arrangement with another person, either directly or indirectly, through business, investment, spouse, parent or child. Person with a financial interest does not include a passive investor.

(k) *Financier* means any person, other than financial institution or government or governmental subdivision or agency, that provides capital as a gift, provides a grant, or lends

capital pursuant to a secured or unsecured financing agreement. A financier may not receive an ownership interest, control of the business, a share of revenue, gross profits or net profits, a profit sharing interest, or a percentage of the profits in exchange for a gift, grant or loan, unless the financier receives prior approval from the Office.

(l) *First renewal date* means two years from the date the license is granted.

(m) *Fund* means a social and economic equity fund in which the state, any state agency, public authority, public benefit corporation, or division thereof has invested and is formed for the limited purpose of funding costs, which include, but are not limited to construction, renovations and equipment purchasing associated with establishing or developing adult-use cannabis operators.

(n) *Justice involved* means a person that satisfies the required elements in section 116.4(a)(2)(i) of this Part.

(o) *License* means a license issued pursuant to this Part and is conditioned on all requirements and prohibitions being met.

(p) *Licensee* means a person who has been granted a license to engage in the retail sale of cannabis products under this Part.

(q) *Marihuana-related offense* means a marihuana or cannabis offense defined under article two hundred twenty-one of the penal law prior to its repeal, any offense under article two hundred twenty or section 240.36 of the penal law prior to the effective date of article two hundred twenty-one of the penal law, where the controlled substance involved was marihuana, any offense that is eligible to be sealed or expunged pursuant to Chapter 131 of the Laws of 2019 or the Act or any offense identified by the Office to be a marihuana-related offense.

(r) *Passive investor* means a person that has an aggregate ownership interest of no more than five percent of the outstanding shares of an applicant or licensee whose shares are publicly traded, and such person does not have control over the applicant or licensee.

(s) *Person* means an individual, institution, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(t) *Primary Residence* means a dwelling where a person usually stays or stays more often than other locations with an intention to remain. The Office shall be authorized to select one or more, without limitation, of the following to verify an individual's primary residence:

(1) state or federal tax filing or return with proof of filing, including e-filing acknowledgements;

(2) a signed lease agreement, a property deed, a mortgage payment, or property tax statement that includes the individual's name;

(3) a letter addressed to the applicant from:

(i) the public housing authority in New York State or New York City;

(ii) a homeless shelter indicating the applicant currently resides at the homeless shelter;

(iii) a nonprofit organization or religious institution that provides services to homeless individuals, indicating the applicant's lack of permanent housing;

(iv) a domestic violence residential care program or organization that serves domestic violence survivors; or

(v) a charitable organization registered with the New York State Attorney General that provided services to the applicant and for which eligibility was established prior to the nineteenth of April, two-thousand twenty-one, attesting to residence.

(4) a voter registration card;

(5) jury summons, court order, or other document from a court within New York State;

- (6) a government issued identification;
 - (7) a paycheck stub;
 - (8) a utility bill;
 - (9) a health institution or insurance company statement, bill or record;
 - (10) a bank or credit card statement;
 - (11) a document addressed to the applicant by a local government in New York State; or
 - (12) any other proof of residency as determined by the Office.
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- (u) *Qualifying business* means a business is defined in section 116.4(a)(2)(iii) of this Part.
 - (v) *Regional Geographic Zones* means the zones established by the Office which represent the geographic area where conditional adult-use retail dispensaries will be located.
 - (w) *True Party of Interest*:
-
- (1) includes, but is not limited to the following:

- (i) applicant or licensee's sole proprietor, partner (whether limited or general), member, manager, president, vice president, secretary, treasurer, officer, board member, trustee, director, or a person with equivalent title to each of the foregoing;
- (ii) stockholder of applicant or licensee, other than a passive investor;
- (iii) each person that makes up the ownership structure of each level of ownership for an applicant or licensee that has a multilevel ownership structure;
- (iv) person with a right to receive some or all of the revenue, gross profit, or net profit from the licensed business during any full or partial calendar or fiscal year;
- (v) person with a financial interest in the applicant or licensee;
- (vi) person that has authority to or exercises control over the applicant or licensee;
- (vii) person that has membership rights in the applicant or licensee in accordance with the provisions of any articles of incorporation, bylaws, limited liability corporation agreements, partnership agreements or operating agreement;
- (viii) person that assumes responsibility for the debts of the applicant or licensee; or

(ix) spouse of any individual in subparagraphs 116.1(w)(1)(i) through 116.1(w)(1) (iii) herein.

(2) does not include a person that, without limitation:

(i) receives payment for rent on a fixed basis under a lease or rental agreement relating to applicant or licensee. Notwithstanding, if there is a common ownership interest between applicant or licensee, and the entity that owns the real property, the Office may investigate all funds associated with the landlord to determine if the landlord is a financier. The Office may also investigate a landlord in situations where a rental payment has been waived or deferred;

(ii) receives a bonus or commission from the applicant or licensee based on the individual's sales, so long as the commission does not exceed ten percent of the sales of the applicant or licensee in any given bonus or commission period, unless otherwise determined by the Office. Commission-based compensation agreements must be in writing;

(iii) contracts with the applicant or licensee to receive a commission for the sale of the business or real property;

(iv) consults receiving a flat or hourly rate of compensation from the applicant or licensee under a contractual agreement;

(v) has an option to purchase the applicant or licensee, in the event the applicant or licensee is not an individual, or conditional adult-use retail dispensary, so long as no money has been paid under an option contract or agreement for such purchase or sale;

(vi) has a contract or agreement for services with an applicant or licensee, such as a branding or staffing company, as long as the applicant or licensee retains the right to and controls the business;

(vii) is a financial institution; or

(viii) is a passive investor.

§ 116.2 Application for Conditional Adult-Use Retail Dispensary License.

(a) Information Required to be Disclosed on Application. The application for a conditional adult-use retail dispensary license shall include the following:

(1) the legal name of the applicant;

(2) the name under which the conditional adult-use retail dispensary will operate or make sales if different than the legal name of the applicant, including, but not limited to, the assumed name, where applicable;

- (3) the name, address, federal employment identification number, and date of birth, where applicable, of the applicant and each true party of interest of applicant;
- (4) a copy of a valid photo identification containing the individual's date of birth issued by a local, state or federal government for the applicant and each true party of interest of applicant, each of which shall be at least 21 years of age;
- (5) a personal history disclosure for applicant and each true party of interest of applicant;
- (6) submission of fingerprints for applicant and each true party of interest set forth in sections 116.1(w)(i) - (iii), on a form and in such manner as specified by the Office for purpose of obtaining a criminal history report from division of criminal justice services;
- (7) the ownership structure of the applicant;
- (8) the percentage of ownership interest held by each true party of interest in the applicant, and a description of any other interest held in the applicant;
- (9) a list of all parent companies, subsidiaries, affiliates, predecessors, and successors of the applicant, including but not limited to, all individuals of each entity at each level of ownership for the applicant that has a multilevel ownership structure;

(10) the name of every financial institution at which the applicant and each true party of interest of applicant that has or has had a personal and business account that is or was used to financially support the business in the past 3 years;

(11) a current organizational chart of the applicant that includes position descriptions and the names and resumes of persons holding each position identified on the organizational chart, to the extent those positions have been filled; to the extent not revealed by the resume, include additional information with each resume setting out the employee's particular skills, education, experience or significant accomplishments that are relevant to owning or operating a conditional adult-use retail dispensary. The organization chart should identify all officers with the authority to control and all business entities that through direct or indirect means, will manage, own or control the interests and assets of the license holder. If the business entities have boards, include all board members on this chart. If the business entity has a parent company, include the name of each parent company's principal officer(s) and the percentage ownership interest;

(12) organizational documents such as the certificates of incorporation, certificates of limited partnerships, articles of organizations, charter, by-laws, partnership agreement, agreements between any two or more persons of the applicant that relate in any manner to the assets, property or profit of the applicant, or any other comparable documents that set forth the legal structure of the applicant or relate to the organization, management or control of the applicant;

(13) if an applicant is not an individual, a description, beginning with the formation of the applicant, of any and all ownership changes between the formation of the applicant and the date

the application is submitted, including, but not limited to, events such as asset sales and purchases, stock sales and purchases, mergers, business combinations, or consolidations involving the applicant, including all former names of the applicant;

(14) a copy of all compensation agreements between or among applicant and each true party of interest, or group of true parties of interest, whether direct or indirect, and to the extent such agreement is oral, a written description of the terms of such agreement with true parties of interest of the applicant;

(15) any proposed or executed contract, term sheet, agreement, or side letter between the applicant, true parties of interest of the applicant, or financier, and another party that relates to the ownership and control structure, assets, liabilities, real or intellectual property, revenue, funding or capitalization, royalties, or profit, or future profit, of the applicant or proposed licensee or comparable documents;

(16) the nature, type, terms, covenants and priorities of all outstanding bonds, loans, mortgages, trust deeds, pledges, lines of credit, notes, debentures or other forms of indebtedness issued or executed, or to be issued or executed, in connection with opening or operating the proposed conditional adult-use retail dispensary;

(17) audited financial statements of the applicant for the fiscal year ending one year prior to the date the application is submitted, which shall include, but is not limited to, an income statement, balance sheet, statement of retained earnings or owners' equity, statement of cash

flows, and all notes to these statements and related financial schedules, prepared in accordance with generally accepted accounting principles, along with the accompanying independent auditor's report. If the applicant was formed within the year preceding the application for license, provide certified financial statements for the period of time the applicant has been in existence and any pro forma financials used for business planning purposes;

(18) all sources of funding used to acquire, start, or develop the business for which the license is sought, and documentation concerning the source of the funds and copies of closing documents in connection with such acquisition or development;

(19) details of any state or federal, administrative or judicial proceeding in which the applicant or any of the true parties of interest of applicant:

(i) pled guilty, pled no contest, conditionally or otherwise, or were, convicted, fined, or the equivalent, or had a registration or license cancelled, suspended or revoked; or

(ii) managed or served on the board of a business or nonprofit organization that pled guilty or was convicted, fined, or had a registration or license cancelled, suspended or revoked.

(20) information relating to a business continuity plan;

(21) a certificate of status or good standing from the governing state agency of the state of formation, certificate of assumed name, a certificate of authority to do business in New York from the New York Department of State if the applicant is a foreign business, where applicable;

(22) if applicant or any true parties of interest of applicant are currently or have previously been licensed or authorized in another state or jurisdiction to cultivate, process, manufacture, distribute or sell cannabis products in any form, the following:

(i) a copy of each license or authorizing document verifying licensure in that state or jurisdiction;

(ii) a statement granting permission to contact the regulatory agency that granted the license to confirm the information contained in the application is true and accurate; and

(iii) if the license, authorization, or application was ever cancelled, denied, suspended, revoked or otherwise sanctioned, a copy of documentation so indicating, or a statement that the applicant or true party of interest of applicant was so licensed and was never sanctioned;

(23) any management agreement, contract, arrangement, or other type of formal understanding between a contractor and an applicant where the contractor will or does provide administrative, operational, financial, advisory, and/or management services to an applicant in exchange for remuneration and a list of all the parties that are contained in those agreements;

- (24) a list of each vendor with which the applicant has entered into a contract, term sheet, agreement, or side letter;
- (25) whether the applicant or any true party of interest of applicant:
 - (i) has ever filed a voluntary petition or had an involuntary petition filed against it for relief under the United States Bankruptcy Code;
 - (ii) is out of compliance with general obligations law section 3-503(2);
 - (iii) has been disciplined or sanctioned by a state or federal agency; or
 - (iv) has had any state or federal tax liens against any of their property;
- (26) a list of each financier of applicant, and copy of all financier agreements, if any;
- (27) a copy of each agreement between applicant and any person with a financial interest in the applicant;
- (28) a list of any charitable contributions by the applicant in the last five years;
- (29) a list of stocks, mutual funds or bonds held by the applicant;

(30) documentation acceptable to the Office that the applicant will be able to obtain insurance sufficient to indemnify and hold harmless the state and its officers and employees;

(31) information regarding any relationship, agreement, or arrangement that may exist between (i) the applicant or true parties of interest and (ii) any official or any other individuals with control over the approval of an application or license, including, but not limited to, employees of the Office and members of the Board;

(32) information evidencing compliance with the provisions set forth in section 116.4(a)(1) of this Part as required by the Office;

(33) information evidencing applicant's eligibility as set forth in sections 116.4(a)(2) or 116.4(a)(3) of this Part as required by the Office;

(34) designation of each portion of the application that applicant considers to be exempt from disclosure under the New York State Freedom of Information Law; and

(35) any additional information requested by the Office.

(b) General.

- (1) Notification of the availability of applications, instructions for completion and submission of applications, and application forms will be posted on the Office's website at www.cannabis.ny.gov.
- (2) The license application shall be submitted via forms provided by the Office. The forms will include instructions for their completion and submission. The application will reflect the information required of applicants by the Cannabis Law and this Part and will include requests for information in support of the application needed by the Office to ensure that the application submitted is complete. If all material, documentation, and information required by the application form is not submitted, the applicant shall receive a deficiency notice from the Office. The applicant shall then have 30 calendar days from the date the deficiency notice is sent to resubmit the application in its entirety. Applications that are still incomplete after this opportunity to cure will not be considered. Upon receipt of an application deemed to be complete, the Office will engage in no further communication with the applicant until after the selection process is completed.
- (3) Only applications completed in accordance with this Part as determined by the Office and submitted in a timely manner shall be considered.
- (4) Prior to the issuance of a license, an applicant may apply to amend its previously submitted true parties of interest; provided, however, that such amendment shall not violate the requirements as set forth in this Part. Failure to apply to amend may be deemed an inconsistent

material statement in the application as to its true parties of interest and such failure may constitute grounds for denial of the application by the Board.

(5) There shall be a non-refundable application and license fee of \$2,000 for applications submitted for a license under this Part.

(c) Continuing Duty to Disclose and Approval.

(1) The applicant shall have a continuing duty to disclose material changes in the information provided to the Office required in this Part.

(2) If an applicant is issued a license, this duty of ongoing disclosure shall continue throughout the licensed period and the following shall require prior written approval of the Office, including any changes thereto:

(i) ownership and control;

(ii) any financier arrangements;

(iii) any true party of interest;

(iv) location;

(v) management service agreements;

(vi) intellectual property agreements;

(vii) guaranty agreement; and

(viii) any other activity or agreement as determined by the Office.

§ 116.3 Attestations.

(a) The applicant shall sign the proof of attestation, attesting that the applicant:

(1) has submitted an application that is complete and accurate;

(2) submits to jurisdiction of the courts of New York State and the application of all state laws, local laws and regulations of New York State, including, but not limited to, relating to the conditional adult-use retail dispensary;

(3) shall not sell any cannabis product to anyone under 21 years of age;

(4) shall not sell any cannabis product in any disallowed form, as determined by the Office;

(5) shall not give away any cannabis product as set forth in the Act;

- (6) shall only acquire cannabis products from entities authorized to distribute cannabis products in New York State;
- (7) shall ensure that the eligible applicant, upon being granted a license, shall maintain the minimum ownership and control requirements set forth in section 116.4 of this Part, and that noncompliance shall be deemed a surrender of license as determined by the Office;
- (8) shall ensure that its true parties of interest are of good moral character;
- (9) shall exercise reasonable care to confirm its information and the ability of each person to meet the requirements as set forth in this Part;
- (10) shall provide the Office a complete disclosure that includes all true parties of interest and that each individual who is a true party of interest is at least 21 years of age;
- (11) shall not attempt to conceal or disguise ownership or other control over its operations in its submissions;
- (12) shall register with the New York State Department of Taxation and Finance for a certificate of adult-use cannabis registration and, if applicable, a certificate of authority should the applicant be granted a license;

(13) shall indemnify and hold harmless the State of New York for any and all civil or criminal penalties resulting from receiving a conditional adult-use retail dispensary license;

(14) has entered into a labor peace agreement with a bona fide labor organization and understands that the maintenance of such a labor peace agreement shall be an ongoing material condition of the license;

(15) shall comply with applicable state and local laws, regulations, and guidance; and

(16) shall submit any other information as required by the Office.

§ 116.4 License Eligibility and Evaluation.

(a) Eligibility. The following minimum requirements must be met to become an eligible applicant for this license:

(1) an applicant must demonstrate:

(i) a significant presence in New York State, either individually or by having a principal corporate location in the state:

(ii) it is incorporated or otherwise organized under the laws of New York State; or

(iii) a majority of the ownership of the applicant are residents of New York State by being physically present in the state no less than 180 calendar days during the current year or 540 calendar days over the course of three years;

(2) if the applicant is an individual, or an entity with one or more individuals, at least one individual must:

(i) be justice involved, which means an individual that:

(a) was convicted of a marihuana-related offense in New York State prior to the thirty-first of March two thousand twenty-one; or

(b) had a parent, legal guardian, child, spouse, or dependent who was convicted of a marihuana-related offense in New York State prior to the thirty-first of March two thousand twenty-one; or

(c) was a dependent of an individual who was convicted of a marihuana-related offense in New York State prior to the thirty-first of March two thousand twenty-one;

(ii) provide evidence of the primary residence of the justice involved individual at the time of such individual's arrest or conviction; and

(iii) hold or have held, for a minimum of two years, at least ten percent ownership interest in, and control of, a qualifying business, which means a business that had net profit for at least two of the years the business was in operation; or

(3) if the applicant is a nonprofit organization, the nonprofit organization must:

(i) be recognized as an entity pursuant to section 501(c)(3) of the Internal Revenue Code;

(ii) intentionally serve justice involved individuals and communities with historically high rates of arrest, conviction, incarceration or other indicators of law enforcement activity for marihuana-related offenses;

(iii) operate and manage a social enterprise that had at least two years of positive net assets or profit as evidenced in the organization's tax returns;

(iv) have a history of creating vocational opportunity for justice involved individuals;

(v) have justice involved individuals on its board or as officers; and

(vi) have at least five full time employees.

(b) Applicant Ownership and Control Minimums.

(1) At least 51% or more of the applicant shall be owned, in the aggregate, by (i) at least one individual that satisfies the requirements for an eligible applicant set forth in sections 116.4(a)(1) and 116.4(a)(2), or entity that satisfies the requirements for an eligible applicant set forth in sections 116.4(a)(1) and 116.4(a)(3) of this Part, and (ii) any other additional individuals, if any, who are justice involved;

(2) At least one individual that satisfies the requirements for an eligible applicant set forth in sections 116.4(a)(1) and 116.4(a)(2), or entity that satisfies the requirements for an eligible applicant set forth in sections 116.4(a)(1) and 116.4(a)(3) of this Part shall own at least 30% of the applicant and such individual or entity shall have sole control of the applicant or licensee;

(c) Evaluation. An eligible applicant shall be evaluated based on any of the following criteria which shall be weighted as determined by the Office:

(1) if the applicant is an individual, or an entity of one or more individuals, whether the justice involved individual was themselves convicted of a marihuana-related offense as set forth in section 116.4(a)(2)(i)(a) of this Part;

(2) the justice involved individual's primary residence at the time of such individual's arrest or conviction:

(i) relative to areas with historically high rates of arrest, conviction, or incarceration for marihuana-related offenses;

- (ii) relative to areas with historically low median income, or
 - (iii) was provided by a public housing authority in New York State or New York City; and
- (3) the qualifying business based on:
- (i) the number of employees employed by the business;
 - (ii) the number of years the business has been in operation;
 - (iii) the profitability of the business;
 - (iv) type of business and whether the business was a retail business, or sold products or services directly to the end-consumer;
 - (v) whether the business had a physical location;
 - (vi) whether the business received or resolved any violations, fines or fees assessed against the business by state or federal regulatory authorities; or
- (4) any other factors as determined by the Office.

(d) The office may create regional geographic zones for the scoring of applicants. Applicants may be asked to rank a number of preferences of regional geographic zones to be considered for a license. For regional geographical zones where there are more applicants than available licenses, the Office may select from eligible applicants who indicated first preference for the given region based on weighted scoring of the evaluation criteria set out above. In the event there is a tie between two or more candidates or there are more applicants than available licenses after the evaluation criteria has been applied, the Office is authorized to use a random selection process to identify the final applicants to recommend to the Board for licensure.

§ 116.5 Denials.

(a) Notwithstanding an applicant satisfying the requirements set forth in this Part, the application shall be denied where an applicant or eligible applicant, or any true party of interest of the applicant:

- (1) has submitted an application that contains inconsistent information;
- (2) failed to submit the materials required by this Part within the specified time allotted;
- (3) failed to submit fingerprints for purposes of providing a criminal history report required pursuant to section 138 of the Cannabis Law;
- (4) is a person forbidden to traffic cannabis as set forth in section 137 of the Cannabis Law;

- (5) has demonstrated prior business practices and financial arrangements that may not comply with state and local laws incidental to the cannabis industry;
- (6) has had a license associated with cannabis cancelled, revoked or suspended in any other state or jurisdiction;
- (7) creates or enhances the dangers of unlawful practices, methods and activities in the cannabis industry, including, but limited to, product inversion or diversion;
- (8) is delinquent in filing any required tax returns or paying any amount owed to any local, state or federal government;
- (9) causes a violation of Sections 72 or 85 of the Cannabis Law; or
- (10) is not a person of good moral character.

§116.6 Application for Renewal or Transition.

- (a) Renewal:
 - (1) Applicant shall comply with all applicable state and local laws, regulations, and guidance relating to the licensed activities for renewal of its license.

(2) Prior to the expiration of the first renewal date, licensee shall submit an application to renew the license as prescribed by the Office and include such information and fees, if any, as the Office may require.

(3) Upon request for renewal, the Office shall consider the licensee's history of compliance with the requirements of this part and applicable state and local laws, regulations, and guidance.

(4) The Board may deny a renewal after consideration of the licensee's history of compliance.

(b) Transition:

(1) After the conditional period, to continue to conduct the activities licensed under this Part, a licensee may apply to transition to an adult-use retail dispensary license issued by the Board.

(2) One hundred twenty calendar days prior to the expiration of the conditional period, licensee shall notify the Office of its intent to continue the activities licensed under this Part beyond the expiration of the conditional period.

(3) The Office shall consider the licensee's history of compliance with applicable state and local laws, regulations, and guidance, including, but not limited to, whether the applicant has served the community in which it is located, to determine whether the licensee may transition to

an adult-use retail dispensary license approved by the Board upon the expiration of the conditional period.

(4) The review shall conclude prior to the expiration of the conditional period, unless otherwise extended by the Office.

(5) The Board may deny a transition after consideration of the licensee's history of compliance.

§116.7 Requirements and Prohibitions for Conditional Adult-Use Retail Dispensary License.

(a) A conditional adult-use retail dispensary license shall have the same authorizations and conditions as an adult-use retail dispensary as defined by the Cannabis Law and regulations promulgated by the Board;

(b) Should an applicant be awarded a conditional adult-use retail dispensary license, provisions, including but not limited, the attestation in the application, become a mandatory condition of the license; and

(c) The following conditions shall also apply to the license:

(1) each licensee and true party of interest shall be at least 21 years of age;

(2) at least 51% or more of the licensee shall be owned, in the aggregate, by (i) at least one individual that satisfies the requirements for an eligible applicant set forth in sections 116.4(a)(1) and 116.4(a)(2), or entity that satisfies the requirements for an eligible applicant set forth in sections 116.4(a)(1) and 116.4(a)(3) of this Part, and (ii) any other additional individuals, if any, who are justice involved;

(3) at least one individual that satisfies the requirements for an eligible applicant set forth in sections 116.4(a)(1) and 116.4(a)(2), or entity that satisfies the requirements for an eligible applicant set forth in sections 116.4(a)(1) and 116.4(a)(3) of this Part shall own at least 30% of the licensee and such individual or entity shall have sole control of the licensee;

(4) the percentage of ownership in the licensee of the individual or entity set forth in sections 116.4(a)(2) and 116.4(a)(3) of this Part shall be proportionate to their interest in the capital, assets, and profits and losses of the licensee;

(5) during the conditional period, the licensee shall maintain the minimum ownership and control requirements in the licensee as set forth in sections 116.7(c)(2), 116.7(c)(3) and 116.7(c)(4) of this Part;

(6) the licensee shall enter into and comply with all terms and conditions of any agreement with any fund, as defined by this Part, that has been approved by the Board and made available by the office, including, but not limited to, accepting a dispensary location identified by the fund

or office, any loan agreement with such fund, any lease or sublease agreement with the State of New York or its agents, or any other such agreements into which the licensee enters;

(7) the licensee shall have entered into a labor peace agreement with a bona fide labor organization and each party to the agreement has signed such agreement prior to the license being granted;

(8) the licensee shall commence operations no later than 12 months from the date the license is granted, or as otherwise determined by the Office;

(9) the applicant is prohibited from leasing, assigning, or subcontracting, in whole or in part, the leased premises associated with the fund, as defined by this Part;

(10) A licensee or any true party of interest of the licensee, shall not have a direct or indirect financial or controlling interest in more than three conditional adult-use retail dispensary licenses issued under this Part until the expiration of the conditional period;

(11) A licensee or any true party of interest of the licensee shall not hold an adult-use cultivation, conditional adult-use cultivator, processor, microbusiness, cooperative or distributor license pursuant to article four of the Cannabis Law or be registered as a registered organization pursuant to article three of the Cannabis Law, except for such organizations licensed pursuant to sections 68-a and 68-b of this article;

(12) A licensee or any true party of interest of the licensee shall not be interested, directly or indirectly, in any cultivator, processor, distributor or microbusiness operator licensed pursuant to this article, by stock ownership, interlocking directors, mortgage or lien on any personal or real property or by any other means. Any lien, mortgage or other interest or estate, however, now held by such licensee or true party of interest on or in the personal or real property of such manufacturer or distributor, which mortgage, lien, interest or estate was acquired on or before December thirty-first, two thousand nineteen, shall not be included within the provisions of this paragraph; provided, however, the burden of establishing the time of the accrual of the interest comprehended by this paragraph, shall be upon the person who claims to be entitled to the protection and exemption afforded hereby;

(13) the licensee shall comply with any other requirements as may be promulgated by the Office; and

(14) after the conditional period, to continue to conduct the activities licensed under this Part, a licensee must apply to transition to an adult-use retail dispensary license approved by the Board.

§116.8 Suspension, Revocation, and Surrender.

(a) The Board shall deliver a written notice to the licensee for failure to comply with this Part, applicable state and local laws, regulations, or guidance relating to conditional adult-use retail dispensary and adult-use retail dispensary, including those promulgated after applicant

submits its application for a license. If no effort has been made to cure, the license shall be deemed surrendered 30 calendar days from the date of the written notice.

(1) Written notice shall be sent to the licensee's last known address on file with the Office.

(b) In the event that licensee elects to cease operation of all licensed activities or to surrender its license within the conditional period, the following shall apply:

(1) licensee shall notify the Office in writing at least 30 calendar days prior to the date licensee anticipates ceasing operations;

(2) the written notice shall include a proposed plan for closure. The plan shall be subject to Office approval and may include a recommendation of any individual or entity that would qualify under this Part; and

(3) upon surrender of the license or cessation of operation, licensee shall vacate the leased premises associated with the fund, as defined by this Part, within 30 calendar days of surrender or cessation.

(c) If a licensee fails to comply with standards and special conditions of the license, the Office may assess a penalty in addition to the surrender of the license pursuant to this Part.

§116.9 Severability

The provisions of this Part are severable. If any provision of this Part is found to be invalid, or if any application of this Part to any person or circumstance is found to be invalid, the invalidity shall not affect any other provisions or applications which can be given effect without the invalid provision or application.



Office of Cannabis Management

KATHY
HOCHUL

Governor

TREMAINE
WRIGHT

Cannabis
Control Board
Chair

JESSICA
GARCIA

Board Member

REUBEN
MCDANIEL, III

Board Member

JEN
METZGER

Board
Member

ADAM W.
PERRY

Board Member

CHRIS
ALEXANDER

Executive
Director

ADDRESS
NAME

SUBJECT: Unlawful Sale of Cannabis

The Marijuana Regulation and Taxation Act (MRTA), enacted in March 2021, establishes the parameters under which a regulated, safe, and legal cannabis industry will operate in New York State. **The MRTA clearly states that any unlicensed sale of cannabis is illegal.** Legal, licensed, and taxed sales can begin only after the state approves regulations governing sales and licenses the businesses making them. It has come to the attention of the Office of Cannabis Management that you are engaging in unlicensed cannabis sales, or that unlicensed sales are occurring on your property.

The Cannabis Control Board and Office of Cannabis Management (OCM) are currently establishing regulations to ensure an inclusive marketplace built upon social and economic justice for this industry. There are currently no licenses available from the Office of Cannabis Management or other permissions available from any other New York State agency that authorizes the legal sale of cannabis.

Unlicensed sales undermine the legal market that is being built by introducing products that are not lab-tested and potentially threaten public health and safety. **Illegal sales include the sale of cannabis products in-person at a retail location, online, via delivery, or at an event; and include so-called “gifting” where consumers purchase non-cannabis items or services, such as a membership in a club, and are then provided cannabis as part of the sale.**

You are hereby directed to cease any, and all, illegal activity immediately. Failure to cease this activity puts your ability to obtain a license in the legal cannabis market at substantial risk. The unlicensed sale of cannabis is illegal and subjects you to substantial fines and possible criminal penalties.

If you are a landlord hosting illegal activity on your premises, you are jeopardizing your ability to house a licensed retail dispensary or on-site consumption lounge in the future. Please do not hesitate to reach out to OCM at enforcement@ocm.ny.gov if you have any questions.

Sincerely,

NYS OCM

Enforcement Unit

McKinney's Consolidated Laws of New York Annotated
Public Health Law (Refs & Annos)
Chapter 45. Of the Consolidated Laws (Refs & Annos)
Article 13-E. Regulation of Smoking and Vaping in Certain Public Areas (Refs & Annos)

McKinney's Public Health Law § 1399-o

§ 1399-o. Smoking and vaping restrictions

Effective: June 19, 2019

Currentness

1. Smoking and vaping shall not be permitted and no person shall smoke or vape in the following indoor areas:

a. places of employment;

b. bars;

c. food service establishments, except as provided in subdivision six of section thirteen hundred ninety-nine-q of this article;

d. enclosed indoor areas open to the public containing a swimming pool;

e. public means of mass transportation, including subways, underground subway stations, and when occupied by passengers, buses, vans, taxicabs and limousines;

f. ticketing, boarding and waiting areas in public transportation terminals;

g. youth centers and facilities for detention as defined in sections five hundred twenty-seven-a and five hundred three of the executive law;

h. any facility that provides child care services as defined in section four hundred ten-p of the social services law, provided, however, that rooms in such a facility that is a private home shall be regulated by this paragraph as follows:

(i) when such private home is not required to be licensed or registered for such services by the office of children and family services, rooms in such home are excluded from the prohibition of this paragraph during periods when children receiving such services are not present; and

(ii) when such private home is required to be licensed or registered for such services by the office of children and family services, rooms in such home are included within the prohibition of this paragraph, regardless of whether or not children receiving such services are present.

i. child day care centers as defined in section three hundred ninety of the social services law and child day care centers licensed by the city of New York;

j. group homes for children as defined in section three hundred seventy-one of the social services law;

k. public institutions for children as defined in section three hundred seventy-one of the social services law;

l. residential treatment facilities for children and youth as defined in section 1.03 of the mental hygiene law;

m. all public and private colleges, universities and other educational and vocational institutions, including dormitories, residence halls, and other group residential facilities that are owned or operated by such colleges, universities and other educational and vocational institutions, except that these restrictions shall not apply in any off-campus residential unit occupied by a person who is not enrolled as an undergraduate student in such college, university or other educational or vocational institution;

n. general hospitals and residential health care facilities as defined in article twenty-eight of this chapter, and other health care facilities licensed by the state in which persons reside; provided, however, that the provisions of this subdivision shall not prohibit smoking and vaping by patients in separate enclosed rooms of residential health care facilities, adult care facilities established or certified under title two of article seven of the social services law, community mental health residences established under section 41.44 of the mental hygiene law, or facilities where day treatment programs are provided, which are designated as smoking and vaping rooms for patients of such facilities or programs;

o. commercial establishments used for the purpose of carrying on or exercising any trade, profession, vocation or charitable activity;

p. indoor arenas;

q. zoos; and

r. bingo facilities.

2. Smoking and vaping shall not be permitted and no person shall smoke or vape in the following outdoor areas:

a. ticketing, boarding or platform areas of railroad stations operated by the metropolitan transportation authority or its subsidiaries.

b. on the grounds of general hospitals and residential health care facilities as defined in article twenty-eight of this chapter, within fifteen feet of a building entrance or exit or within fifteen feet of the entrance to or exit from the grounds of any such general hospital or residential health care facility. This subdivision shall not prohibit smoking and vaping by a patient or a visitor or guest of a patient of a residential health care facility in a separate area on the grounds designated as a smoking and

vaping area by the residential health care facility, provided such designated smoking and vaping area is not within thirty feet of any building structure (other than a non-residential structure wholly contained within the designated smoking and vaping area), including any overhang, canopy, awning, entrance, exit, window, intake or exhaust.

3. Smoking and vaping shall not be permitted and no person shall smoke or vape within one hundred feet of the entrances, exits or outdoor areas of any public or private elementary or secondary schools; provided, however, that the provisions of this subdivision shall not apply to smoking or vaping in a residence, or within the real property boundary lines of such residential real property. The provisions of section thirteen hundred ninety-nine-p of this article shall not apply to this subdivision.

4. Smoking and vaping shall not be permitted and no person shall smoke or vape within one hundred feet of the entrances, exits or outdoor areas of any after-school program licensed or registered pursuant to section three hundred ninety of the social services law; provided, however, that the provisions of this subdivision shall only apply on those days and during those hours in which such after-school programs are operational; and provided, further, that the provisions of this subdivision shall not apply to smoking or vaping in a residence, or within the real property boundary lines of such residential real property.

5. a. Use of an electronic cigarette or e-cigarette shall not be permitted on school grounds, as defined in subdivision six of section thirteen hundred ninety-nine-n of this article.

b. “Electronic cigarette” or “e-cigarette” shall have the same meaning as in subdivision thirteen of section thirteen hundred ninety-nine-aa of this chapter.

6. Smoking shall not be permitted and no person shall smoke within one hundred feet of the entrances, exits or outdoor areas of any public or association library as defined in subdivision two of section two hundred fifty-three of the education law; provided, however, that the provisions of this subdivision shall not apply to smoking in a residence, or within the real property boundary lines of such residential real property.

Credits

(Added L.1989, c. 244, § 5. Amended L.1994, c. 565, §§ 2, 3; L.2003, c. 13, § 2, eff. July 24, 2003; L.2008, c. 154, eff. Aug. 15, 2008; L.2011, c. 389, § 1, eff. Nov. 13, 2011; L.2012, c. 449, § 1, eff. Sept. 5, 2012; L.2013, c. 179, § 1, eff. Oct. 29, 2013; L.2015, c. 100, § 1, eff. Sept. 12, 2015; L.2017, c. 102, § 1, eff. July 25, 2017; L.2017, c. 335, § 4, eff. Nov. 22, 2017; L.2018, c. 201, § 1, eff. Nov. 18, 2018; L.2018, c. 420, § 1, eff. June 19, 2019.)

McKinney's Public Health Law § 1399-o, NY PUB HEALTH § 1399-o

Current through L.2022, chapters 1 to 55, 57, 59 to 179. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated

Public Health Law (Refs & Annos)

Chapter 45. Of the Consolidated Laws (Refs & Annos)

Article 13-E. Regulation of Smoking and Vaping in Certain Public Areas (Refs & Annos)

McKinney's Public Health Law § 1399-o-1

§ 1399-o-1. Smoking and vaping restrictions; certain outdoor areas

Effective: November 22, 2017

Currentness

1. Smoking and vaping shall not be permitted and no person shall smoke or vape during the hours between sunrise and sunset, when one or more persons under the age of twelve are present at any playground. For the purposes of this section, the term “playground” means an improved area designed, equipped, and set aside for play of six or more children which is not intended for use as an athletic playing field or athletic court, and shall include any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures. Playgrounds or playground equipment constructed upon one, two and three-family residential real property are exempt from the requirements of this section. This section shall not apply to any playground located within the city of New York.

2. No police officer, peace officer, regulatory officer or law enforcement official may arrest, ticket, stop or question any person based solely or in part on an alleged violation of subdivision one of this section, nor may an alleged violation of subdivision one of this section support probable cause to conduct any search or limited search of any person or his or her immediate surroundings.

Credits

(Added L.2013, c. 102, § 1, eff. Oct. 10, 2013. Amended L.2017, c. 335, § 5, eff. Nov. 22, 2017.)

McKinney's Public Health Law § 1399-o-1, NY PUB HEALTH § 1399-o-1

Current through L.2022, chapters 1 to 55, 57, 59 to 179. Some statute sections may be more current, see credits for details.

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McKinney's Consolidated Laws of New York Annotated
Public Health Law (Refs & Annos)
Chapter 45. Of the Consolidated Laws (Refs & Annos)
Article 13-E. Regulation of Smoking and Vaping in Certain Public Areas (Refs & Annos)

McKinney's Public Health Law § 1399-q

§ 1399-q. Smoking and vaping restrictions inapplicable

Effective: March 31, 2021

Currentness

1. This article shall not apply to:

(a) Private homes and private residences;

(b) Private automobiles;

(c) A hotel or motel room rented to one or more guests;

(d) Retail tobacco businesses;

(e) Membership associations; provided, however, that smoking and vaping shall only be allowed in membership associations in which all of the duties with respect to the operation of such association, including, but not limited to, the preparation of food and beverages, the service of food and beverages, reception and secretarial work, and the security services of the membership association are performed by members of such membership association who do not receive compensation of any kind from the membership association or any other entity for the performance of such duties;

(f) Cigar bars that, in the calendar year ending December thirty-first, two thousand two, generated ten percent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines, and is registered with the appropriate enforcement officer, as defined in subdivision one of section thirteen hundred ninety-nine-t of this article. Such registration shall remain in effect for one year and shall be renewable only if: (a) in the preceding calendar year, the cigar bar generated ten percent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, and (b) the cigar bar has not expanded its size or changed its location from its size or location since December thirty-first, two thousand two;

(g) Outdoor dining areas of food service establishments with no roof or other ceiling enclosure; provided, however, that smoking and vaping may be permitted in a contiguous area designated for smoking and vaping so long as such area: (a) constitutes no more than twenty-five percent of the outdoor seating capacity of such food service establishment, (b) is at least three feet away from the outdoor area of such food service establishment not designated for smoking and vaping, and (c) is clearly designated with written signage as a smoking and vaping area;

(h) Enclosed rooms in food service establishments, bars, catering halls, convention halls, hotel and motel conference rooms, and other such similar facilities during the time such enclosed areas or rooms are being used exclusively for functions where the public is invited for the primary purpose of promoting and sampling tobacco products or electronic cigarettes, and the service of food and drink is incidental to such purpose, provided that the sponsor or organizer gives notice in any promotional material or advertisements that smoking and vaping will not be restricted, and prominently posts notice at the entrance of the facility and has provided notice of such function to the appropriate enforcement officer, as defined in subdivision one of section thirteen hundred ninety-nine-t of this article, at least two weeks prior to such function. The enforcement officer shall keep a record of all tobacco sampling events, and such record shall be made available for public inspection. No such facility shall permit smoking and vaping under this subdivision for more than two days in any calendar year;

(i) Retail electronic cigarette stores, provided however, that such stores may only permit the use of electronic cigarettes; and

(j) Adult-use on-site consumption premises authorized pursuant to article four of the cannabis law, provided however, that such locations may only permit the smoking or vaping of cannabis.

2. The restrictions of this article on the smoking or vaping of cannabis shall continue to apply to those locations identified in paragraphs (b), (d), (f), (g), (h) and (i) of subdivision one of this section.

Credits

(Added L.1989, c. 244, § 5, eff. Jan. 1, 1990. Amended L.2003, c. 13, § 4, eff. July 24, 2003; L.2017, c. 335, § 2, eff. Nov. 22, 2017; L.2021, c. 92, § 5-a, eff. March 31, 2021.)

McKinney's Public Health Law § 1399-q, NY PUB HEALTH § 1399-q

Current through L.2022, chapters 1 to 55, 57, 59 to 179. Some statute sections may be more current, see credits for details.



What is in the Law

Local Governments

Overview

On March 31, 2021, Governor Andrew Cuomo signed the Marijuana Regulation & Taxation Act legalizing adult-use cannabis (also known as marijuana, or recreational marijuana) in New York State. The legislation creates a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to oversee and implement the law (collectively referred to as “OCM”). The OCM will issue licenses and develop regulations outlining how and when business can participate in the new industry. The OCM will also oversee the State’s existing Medical Marijuana Program and Cannabinoid Hemp Program, previously regulated by the Department of Health.

The information below is a collection of key provisions from the MRTA which impact local governments and local officials. For additional information or to contact the Office of Cannabis Management, please visit our website at: www.cannabis.ny.gov or e-mail us at: info@ocm.ny.gov.

Local Opt-out

Cities, towns, and villages can opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses from locating within their jurisdictions; however, municipalities cannot opt-out of adult-use legalization. Possession and use of cannabis by adults 21 years of age or older is legal in New York State.

To opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses, a municipality must pass a local law by December 31, 2021. This means that if a municipality has already passed a local law or resolution prohibiting adult-use cannabis licensees from operating in its jurisdiction, the municipality will have to pass a new local law conforming to the opt-out requirements outlined in the MRTA if the municipality still chooses to opt-out.

If a municipality does not opt-out by December 31, 2021, the municipality will be unable to opt-out at a future date. However, at any time a municipality may opt back in, to allow adult-use retail dispensaries and/or on-site consumption licenses, by repealing the local law which established the prohibition.

A municipality may choose to opt-out of both adult-use retail dispensaries and on-site consumption licenses or just one type of license (e.g. allow retail dispensaries but not on-site consumption licenses). Municipalities are prohibited from opting out of other adult-use license types from locating or operating within their jurisdiction. Additionally, municipalities are prohibited from opting out of medical cannabis or cannabinoid hemp license types. If a town passes a local law to opt-out, it only affects the area of the town outside of any village within the town. County governments are not permitted to opt-out of any adult-use license types.

Any local law opting out of adult-use retail dispensaries or on-site consumption licenses will be subject to a permissive referendum as outlined in section 24 of the Municipal Home Rule Law. This allows voters within the municipality to petition whether or not to approve the local law.

Local Control and Preemption

Except for the opt-out provision described in the section above, all municipalities including counties, are preempted from adopting any law, rule, ordinance, regulation, or prohibition pertaining to the operation or licensure of adult-use cannabis, medical cannabis or cannabinoid hemp licenses.

However, towns, cities and villages are permitted to pass local laws and regulations governing the time, place and manner of adult-use retail dispensaries and on-site consumption licenses, provided such laws and regulations do not make the operation of the license unreasonably impracticable. For example, cities, towns, and villages may pass laws and regulations pertaining to local zoning and the location of licensees, hours of operations and adherence to local building codes. Municipalities may not issue or require local licenses for cannabis businesses.

Notification to municipalities

At least 30 days prior to applying for an adult-use retail dispensary or on-site consumption license, an applicant must notify the municipality of the applicant's intent to apply for such license. The notification must be made to the clerk of the village, town, or city, or if in the city of New York, the community board in which the proposed premise is located. When the municipality expresses an opinion for or against the granting of the license, the opinion shall be deemed part of the record and used by the OCM to determine whether to grant or deny the application. The Cannabis Control Board must then respond in writing to the city, town, village, or community board, with an explanation of how such opinion was considered in the granting or denial of an application.

Adult-Use Taxation

The MRTA establishes three taxes on adult-use cannabis. First, there is a tax imposed on the distributor based on the milligrams (mg) of total THC in the product. There are different rates of tax depending on the cannabis product form.

- Edibles (e.g. food and beverages) are taxed at \$0.03 per mg of total THC
- Concentrates (e.g. vaporization oil, wax, shatter, and resin) are taxed at \$0.008 per mg of total THC
- Cannabis flower (e.g. loose flower, pre-rolls, or shake) are taxed at \$.0005 per mg of total THC

The mg per total THC tax accrues at the sale from a distributor to a retail dispensary and is paid to the State by the distributor. If the distributor is also the licensed retailer, such as a microbusiness or registered organization, the tax accrues at the time of the retail sale.

Second, there is a state excise tax imposed on the sale of cannabis products by a retail dispensary to a cannabis consumer at 9 percent of the products' price.

Third, there is a local excise tax imposed on the sale of cannabis products by a retail dispensary to a cannabis consumer at four (4) percent of the products' price. This tax is distributed to local governments based on where the retail dispensary is located. Twenty-five (25) percent of the tax revenue goes to the county and seventy-five (75) percent goes to the cities, town, or villages within the county as a proportion of cannabis sales. If a town and a village within the town both allow adult-use sales, the revenue shall be distributed based upon a distribution agreement between the town and village. If no such agreement exists, then the revenue distribution between the town and village shall be divided evenly.

Adult-Use Tax Revenue Distribution

All adult-use cannabis taxes are deposited in the New York State Cannabis Revenue Fund. First, the Cannabis Revenue Fund covers the costs of administering the cannabis programs and the implementing the MRTA, including costs to the OCM's operating costs, increasing Drug Recognition Expert training, and implementing incubators and workforce development for social and economic equity applicants.

After upfront costs, the remaining tax revenue is distributed into three separate funds:

- 40% to the State Lottery Fund for education
- 40% to the Community Grants Reinvestment Fund to issue grants to non-profit and community-based organizations in communities disproportionately impacted by cannabis prohibition, and other social equity initiatives.
- 20% to the Drug Treatment and Public Education Fund to development and implement statewide public education campaigns and provide substance use disorder treatment programs for youth and adults.

Public Consumption (Smoking)

The legislation adds cannabis to the existing Clean Indoor Air Act (CIAA), which establishes prohibitions on where cannabis can be smoked or vaporized. The smoking or vaporizing of cannabis is prohibited anywhere smoking tobacco is prohibited. Cannabis cannot be consumed when operating a motor vehicle. Pursuant to the CIAA, municipalities are authorized to make laws that are more restrictive than the CIAA.

Home Cultivation of Cannabis

New Yorkers 21 years of age and older can grow up to 6 cannabis plants in their home for personal use (3 mature plants and 3 immature plants) and a maximum of twelve plants per household (6 mature plants and 6 immature plants). ***Please be aware the home cultivation of cannabis is not allowed immediately.*** Pursuant to the MRTA, the home cultivation of cannabis is only permitted after the OCM issues regulations governing home cultivation of cannabis, which will occur within 18 months of the first adult-use retail sale. The MRTA also permits the home cultivation of medical cannabis for certified patients registered in the Medical Cannabis Program. Home cultivation for certified patients has an accelerated timeline, but is not authorized until the OCM issues regulations, which will occur on or before September 30, 2021.

- Cannabis plants must be kept in a secure place and not accessible to any person under 21.
- Home cultivated cannabis cannot be sold to anyone and is only intended for personal use.
- The use of compressed gas solvents, such as propane or butane, to process or extract home cultivated cannabis, will not be allowed.
- Local municipalities may enact and enforce regulations relating to home cultivation of cannabis, provided no municipality may completely ban or prohibit home cultivation.

Personal Possession

Adults over 21 can possess up to 3 ounces of cannabis and 24 grams of concentrated cannabis (like vaporization oil or an edible). Adults may possess up to five pounds of cannabis at their personal residence or grounds. Personal possession over the legal limit and the unauthorized sale of any amount of cannabis is illegal and subject to penalties.

Contact Us

Please visit our website or contact us using the e-mail and phone number below for more information.

Website: www.cannabis.ny.gov

Call: 1-888-OCM-5151

Email: info@ocm.ny.gov