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COMMUNITY BOARD NO. 2, MANHATTAN

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July 20, 2023

Tremaine Wright
Chair
New York State Cannabis Control Board

Chris Alexander
Executive Director
New York State Office of Cannabis Management

Dasheeda Dawson
Director
Cannabis NYC

RE: Community Board 2/Manhattan Comments on Proposed Adult-Use Cannabis Regulations

The Community Board (CB) is the official municipal body whose primary mission is to advise elected officials and government agencies on matters affecting the district's social welfare. The Marijuana Regulation & Taxation Act (MRTA) outlines the Community Boards' responsibilities regarding cannabis licensing. While the proposed regulations expand on those responsibilities, it does not define the community boards' authority or procedure. The guidelines below outline recommendations for the process through which CB's receive, evaluate and advise the state on cannabis business applications.

Comments on Proposed Regulations

§ 119.3 Notifications to Municipalities states *(d) A municipality shall have thirty (30) days from the receipt of the notification from an applicant to express an opinion for or against the granting of a license, which shall mean, for the purposes of this section, the issuance of a registration, license, or permit, for a new establishment, transfer, renewal, or alteration of an existing registration, license, or permitted premises, and any such opinion shall be part of the record upon which the Office makes its recommendation to the Board to grant or deny an application; provided, however, a municipality may request additional time in writing, on a form as prescribed by the Office, and may receive no more than an additional thirty (30) days to express their opinion.*

30-days is not sufficient time for municipalities and community boards to:

1. Provide appropriate public notice
2. Schedule and execute a public hearing

3. Ratify their position at their monthly full board meeting

Recommendation:

- CB2 recommends that cannabis license applicants notify the municipality in which they plan to operate a minimum of 45-days prior to applying with the state.

§ 119.2 Authorizations for Municipality Rulemaking authorizes municipalities to enact 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 sites, but does not define those terms.

Recommendation:

- Clear definitions of time, place and manner authorizations

The proposed regulations state that municipalities “*shall not be allowed to operate from 2:00 ante meridiem to 8:00 ante meridiem, (4:00 ante meridiem to 8:00 ante meridiem for consumption sites), unless given express written permission by such municipality, or the municipality passes a local ordinance, authorizing it to operate beyond such hours; and (ii) shall not restrict operations to less than 70 hours a week*”.

Community Boards seek to license businesses that won’t burden the district. Some businesses have been a source of quality-of-life complaints (i.e. noise, traffic, sidewalk crowding, crime....).

Recommendation:

- Clarified community boards’ authority to determine and specify hours of operation which are appropriate for proposed locations.

§119.1 Preemption and Prohibitions on Municipality Rulemaking prohibits “*an adult-use retail dispensary, microbusiness, ROD, or on-site consumption license to be*” 1) *on the same road and within 200 feet of the entrance of a building occupied exclusively as a house of worship; (2) on the same road and within 500 feet of the entrance of a building occupied exclusively as a school; or (3) on the same road and within 500 feet of a structure and its grounds occupied exclusively as a public youth facility.*

Recommendation:

- Proximity requirements be measured using linear distance, and expanded to include:
 - Any building in which a K-12 school operates
 - Any building in which provided treatment for substance use disorder and recovery, harm reduction, homeless shelters and transitional housing as a community facility

Additional Comments

OCM/CCB Partnership

As an emerging market, the cannabis landscape in New York is in the development stages and will require modifications as it matures.

Recommendation:

- A defined procedure for ongoing conversation between the Office of Cannabis Management, Cannabis Control Board and New York City Community Boards to discuss and refine processes.

Cannabis Licensing Committees

While some CB’s may be able to process cannabis applications through an existing committee, task force, or working group, boards with a large volume of applicants will require a designated committee to meet the

high demand.

Recommendation:

- We recommend that each CB create a standing Cannabis Licensing Committee or prepare an existing committee to be ready to receive general cannabis applicants.
- Due to the strong social and economic equity directive in the law, those leading this work on behalf of municipalities are experienced in social equity work, and include members that would qualify under NYS social and economic equity criteria.

Timeline & Process

Cannabis Control Board holds monthly public hearings during which municipalities and the public have an opportunity to comment on applications before they are licensed.

- 1) Applicant submits the 30-Day Advance Notice via the Local Municipality Notice form provided by OCM and submitted to the appropriate CB
- 2) Applicant is placed on the CB calendar to appear at the next month's cannabis licensing committee meeting
- 3) Applicant receives CB Materials including questionnaire, a list of the necessary documents, and contacts for relevant stakeholders
- 4) Applicant submits questionnaire & documents to the Community Board within which they intend to operate, due at least seven business days prior to appearing before the cannabis licensing committee.
- 5) Applicant & their representative appear before the Community Board
- 6) Stipulations are agreed upon
- 7) Applicant submits signed stipulations
- 8) Resolution is written
- 9) Resolution is presented to the Full Board
- 10) Full Board determination is sent to the OCM and CCB

The New York State Cannabis Control Board

The Board is the approval and oversight body of the Office of Cannabis Management, and is responsible for approving the comprehensive regulatory framework for New York's cannabis industry, including issuing applications and licenses to cannabis businesses and approving the rules and regulations which will govern the new industry.

Recommendation:

- OCM and CCB only consider licensure to applicants that appear before the municipality within which they hope to operate.
- Resolutions and stipulations submitted to the CCB become part of the license and record.

Thank you for your consideration. Please advise us of any decision or action taken in response to these comments.

Respectfully submitted,

Susan Kent
Chair, Community Board 2/Manhattan

Mar Fitzgerald
Chair, CB2 Cannabis Licensing Committee