



Cannabis and Local Government What We Currently Know— A Brief Tutorial



The Reason for this Public Hearing

With the legalization of recreational cannabis in NYS for adults over age 21, local governments can, by enacting a local law, opt out of allowing retail dispensaries of cannabis and/or places of cannabis consumption within the municipality. By default, they are opted in. If they decide to opt out, it must be done by December 31, 2021.

Opting out is subject to a permissive referendum; alternatively, the village board can vote to simply hold a referendum on the matter.

At the December 6, 2021 Village Board meeting the Village Board will vote on whether to opt out.



The Law, The Marijuana Regulation and Taxation Act (legalizing recreational adult use cannabis)

The MRTA was passed into law on March 31, 2021 and details (in 128 pages) the terms of the law, including possession, cultivation, processing, dispensing, and delivery of cannabis, social and economic equity issues, violations of the rules and penalties. Many details are left to the Cannabis Control Board and Office of Cannabis Management to implement. The membership of those boards have only recently been filled and as of October 21, the Cannabis Control Board has met twice. You can read the law at: <https://legislation.nysenate.gov/pdf/bills/2021/s854a>

More information, on an ongoing basis, is available at <http://cannabis.ny.gov>



The Office of Cannabis Management & The Cannabis Control Board—the regulatory authorities

Dispensaries & Places of Consumption are what could be coming to Brockport

How a municipality gets a dispensary or place of consumption

- The Cannabis Control Board determines the density within an area (a county, or more likely, a congressional district) of dispensaries and places of consumption and makes the final decision re licensure
- A license applicant files a notice with the municipality of intent to apply for a license for a particular location. The applicant files the application with the Office of Cannabis Management.
- The municipality's opinion becomes part of the record on which the Office of Cannabis Management makes its recommendation



Local Laws re Dispensaries and Places of Consumption

Statewide, the cannabis market will be heavily regulated with licensing required for every type of cannabis business. Laboratory testing for every cannabis product offered to the consumer is required as is packaging and labelling of total THC content. THC content is also regulated. All signage, exterior and interior, is determined by the Cannabis Control Board.

- Like any other business, locally both dispensaries and places of consumption are subject to building codes and issuance of certificates of occupancy
- Police can inspect all licensed premises and all records of operators
- Municipalities may enact reasonable regulation of personal cultivation and home possession
- Local governments can impose 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”).
- Municipalities can regulate time, place, and manner of operation of dispensaries and places of consumption



Economic Benefits of Dispensaries and Places of Consumption for Municipalities

- Statewide, an estimated \$350 million added to State gross product and 30,000 to 60,000 new jobs.
- More businesses added to Brockport's local economy
- Taxation— Locally, cannabis is subject to a 4% sales tax; 3% returns to the municipality.