



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

DATE: July 20, 2022
TO: Municipal Leader
FROM: Office of Cannabis Management

Directive Concerning Local Laws Relating to the Cannabis Industry

Dear Municipal Leader,

We understand that many of you have questions about the adult-use cannabis licenses and how the roll out of the Marihuana Regulation and Taxation Act (MRTA) will impact your towns, cities, and villages. As you may know, the State’s Cannabis Law was created under the MRTA. This law established the Cannabis Control Board (Board) and the Office of Cannabis Management (Office). These two entities have primary jurisdiction over all cannabis issues, including the licensing of adult-use retail dispensaries and adult-use on-site consumption sites. In establishing the Cannabis Law, the Legislature recognized the important role that municipalities play in ensuring these business operations are successful and have a positive impact on communities across the state. To that end the Legislature allowed municipalities to regulate certain localized issues, specifically the time, place, and manner in which the sales and use of cannabis can occur within a municipality.

As some municipalities begin to contemplate what local laws or ordinances they may want to enact, there have been many questions about what constitutes “time, place, and manner.” The Board is issuing this letter with the intent of aiding municipalities in making those determinations and answering other questions that have been raised to the Board and the Office.

Time, Place and Manner:

The Cannabis Law extends authority to municipalities to regulate aspects of “time, place, and manner” of operation of retail dispensaries and on-site consumption sites, provided such local laws or ordinances do not make the operation of a licensed retail dispensary or on-site consumption site unreasonably impracticable, as determined by the Board. One factor that the Board may consider when making an “unreasonably impractical” determination is how the municipality treats the cannabis business in comparison to other commercial businesses.



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From the numerous questions we have already received, we have identified the following topics that are subject to reasonable, local regulation:

- Hours of operation
- Historical districts
- Parking
- Traffic density control
- Nuisance (i.e., odor and noise)
- Local general ordinances that are not cannabis industry specific

Likewise, we have also been able to identify certain topics that the Office and Board will address through statewide regulation. These statewide regulations would apply to, among other items, the following:

- Applications for Licensure
- Applicant Requirements
- Selection of Applicants
- Fees associated with applications or licensure
- Site Selection Criteria (such as proximity to a school or place of worship)