

# Inter-County Association of Western New York

*Representing the Counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Tompkins, Wayne, Wyoming, and Yates.*

## RESOLUTION NO. 2022-15-IC

### CALLING ON GOVERNOR KATHY HOCHUL AND THE OFFICE OF CANNABIS MANAGEMENT TO TAKE IMMEDIATE ACTION TO STOP THE OPERATION OF UNLICENSED CANNABIS SALES IN NEW YORK STATE – DISTRICT ATTORNEY’S DEPARTMENT

Motioned by: Mark Rondinaro (*Schuyler*)

Seconded by: Hilda Lando (*Steuben*)

**WHEREAS**, the Marijuana Regulation and Taxation Act (MRTA), enacted in March 2021, establishes the parameters under which a regulated, safe, and legal cannabis industry might operate in New York State, and provides that any unlicensed sale of cannabis is illegal, and

**WHEREAS**, MRTA mandates that legal, licensed, and taxed sales can begin only after the state approves regulations governing sales and licenses businesses making such sales, and

**WHEREAS**, the Office of Cannabis Management (OCM) has transmitted cease and desist letters to various operations/businesses throughout the state alleged to be engaged in unlicensed cannabis sales, or allegedly allowing unlicensed sales to occur upon their properties, and

**WHEREAS**, in these letters OCM states unlicensed sales undermine the legal market that is being built by introducing products that are not lab-tested and which potentially threaten public health and safety, and

**WHEREAS**, unlicensed sales are alleged to include the sale of cannabis products in-person at a retail location, online, via delivery, or at an event, and are alleged to include so-called "gifting" wherein consumers purchase non-cannabis items or services, such as a sticker or membership in a club, and then receive a "gift" of cannabis as part of such purchase, and

**WHEREAS**, local towns and villages have taken the proper procedures to either "opt out" of allowing cannabis dispensaries and/or consumption sites in their jurisdiction or to "opt in" and create land use laws that accommodate the licensed sale of cannabis, all to ensure the community impact is minimal, and, further, it is alleged that these unlicensed cannabis operations are circumventing such local enactments, and

**WHEREAS**, except as set forth above, all counties, cities, towns and villages are preempted from adopting any law, rule, ordinance or regulation pertaining to the operation or licensure of registered organizations, adult-use cannabis licenses or cannabinoid hemp licenses; state government has, instead, consolidated the adult-use cannabis program with New York State’s existing medical marijuana program and cannabinoid hemp program, placing these consolidated programs under the control of the Cannabis Control Board and the OCM, thereby curtailing the authority of local governments to address this issue and thereby demonstrating the need for strong and immediate state action in this matter.

**NOW, THEREFORE, BE IT RESOLVED**, that the Inter County Association of Western New York calls upon Governor Kathy Hochul and the Office of Cannabis Management to expedite legislation such as Senate Bill S9363 to close any “loop-hole” under which these cannabis operations may be operating unlicensed, and

**BE IT FURTHER RESOLVED**, that Inter-County Association of Western New York calls upon Governor Hochul, the New York State Attorney General and the Office of Cannabis Management to take immediate and firm action to close any such businesses found to be engaged in unlicensed or illegal activity, and

**BE IT FUTHER RESOLVED**, that the Secretary of the Inter-County Association of Western New York shall forward copies of this resolution to New York State Governor, the New York Cannabis Control Board Chair, the New York State Attorney General, the New York State Association of Counties Senator George M. Borrello, the New York State Association of Counties (NYSAC), and the Inter-County Association of Western New York.

This is to Certify that I, the undersigned, Secretary of the Inter-County Association of Western New York, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Association at a session held on the 19<sup>th</sup> day of August 2022 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Inter-County Association of Western New York dated August 19, 2022.



Lisa K. Casey, Secretary  
Inter-County Association of Western New York

Sponsored by: Schuyler County, Moved by: Mark Rondinaro (*Schuyler*) and Seconded by: Hilda Lando (*Steuben*).

