



What is in the Law

Public Health and Safety

Overview

On March 31, 2021, New York State legalized adult-use cannabis (also known as marijuana, or recreational marijuana) by passing the Marijuana Regulation & Taxation Act (MRTA). 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 the “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 and Cannabinoid Hemp Programs.

The information below is a collection of key provisions from the MRTA that are intended to help protect the public health and safety of New Yorkers. For additional information, or to contact the Office of Cannabis Management (OCM), please visit our website at: www.cannabis.ny.gov or e-mail us at: info@ocm.ny.gov.

Benefits of Regulation

One of the main benefits of legalizing adult-use cannabis is that cannabis products will be regulated under a framework that protects consumer health and safety, similar to many other products humans consume. The OCM will be implementing quality assurance regulations, governing the manufacturing, packaging, labeling, advertising, and testing of cannabis products. The OCM will also be conducting a robust public health and education campaign, to monitor and track the impact of adult-use cannabis legalization on public health and safety indicators and to implement regulations that protect vulnerable populations and prohibit the marketing and advertising of cannabis to youth. In addition, 20% of all adult-use cannabis tax revenue is dedicated to public health education and substance-use prevention programs.

Regulation of Product Form, Safety, and Administration Method

To ensure the health and safety of the public, the OCM has the ability to regulate the concentration, serving size, types, and forms of cannabis products which may be manufactured or processed. Future regulations issued by the OCM will ensure the use of proper ingredients and manufacturing methods for all cannabis products.

Packaging and Labeling Standards

Regulations will also standardize the labeling of cannabis products. All cannabis products will contain warning labels notifying consumers of potential harms and the products’ expected effects. Labels will be required to include recommended serving sizes, the active cannabis concentration per serving (including the total THC), and the number of servings per container. All packaging must be child resistant and packages, labels, shapes, and products are prohibited from being made to be attractive to youth.

Advertising and Marketing Regulations

The OCM will have broad discretion to limit and regulate cannabis advertising and marketing. The MRTA authorizes the OCM to issue regulations prohibiting advertising that is:

- False, deceptive, or misleading
- Promoting overconsumption or depicting consumption
- Appeals to children or minors
- Within or readily observed within 500 feet of the perimeter of a school grounds, playground, child day care providers, public park, or library
- In public transit vehicles or stations
- In the form of an unsolicited internet pop-up
- On publicly owned or operated property
- Makes medical claims or promotes adult-use cannabis for a medical or wellness purposes
- Promotes or implements discounts, coupons, or other means of selling adult-use cannabis products below market value or whose discount would subvert local and state tax collections
- In the form of a billboard

Laboratory Testing of Cannabis Products

All cannabis products will require third-party laboratory testing before being sold to consumers in New York State. The OCM, through regulations, will require what cannabis product testing is required (e.g. pesticides and mold) and the standards used for testing. The OCM will permit third-party analytical laboratories to conduct cannabis testing and may require licensees to use a particular laboratory.

Public Education Campaign

The MRTA mandates the OCM, in coordination with the Department of Health (DOH), Office of Addiction Services and Supports (OASAS) and Office of Mental Health (OMH), develop and implement a robust public health and education campaign to:

- Implement and evaluate evidence-based prevention and education programs intended to discourage cannabis use among youth
- Regulate characteristics of legal cannabis products that may appeal to children and youth (e.g., flavors, shapes, forms, names)
- Restrict advertising and promotion of commercial cannabis products in the broader community, particularly in venues and locations frequented by youth
- Safeguard pregnant and breastfeeding women through education about the potential harms related to cannabis use
- Provide general education to the public about the Cannabis Law
- Work with neighboring states and associations to coordinate actions and policies to protect regional health and safety

Public Health Surveillance and Monitoring

The OCM will develop and implement a comprehensive public health monitoring and surveillance program to analyze the impact of cannabis use on public health and safety. The surveillance monitoring program will coordinate and leverage existing monitoring systems within State

government. Key metrics include indicators such as frequency of use, quantity used, youth use, method of administration, product form, traffic safety impacts, substitution effects, emergency room visits and other health and safety metrics. The OCM is required to report these findings in an annual report mandated by the MRTA.

Tax Revenue Dedicated to Public Education and Substance Use Treatment

Twenty percent (20%) of the adult-use cannabis tax revenue is dedicated toward 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. The fund will be administered by the OASAS in consultation with the OCM, DOH, OMH and the State Education Department.

Contact Us

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

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