728 Broadway
Kingston, NY 12401
www.nysmallfarma.org

New York State Office of Cannabis Management
PO Box 2071
Albany, NY 12220

By Electronic Mail: November 24, 2025
regulations@ocm.ny.gov

RE: Public Comment on Proposed Regulations for Part 117: Cannabis Showcase Event Permits Chapter II of Subtitle B of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New

Dear Office of Cannabis Management,

We submit this comment on OCM's proposed cannabis showcase event regulations. While we appreciate efforts to expand licensee opportunities, the current draft fails to create an equitable, inclusive, and viable framework, particularly for small and equity-focused operators.

Terminology and Event Purpose
The regulations label events as "showcases," yet they are limited to retail sales by RODs and dispensaries. This is misleading. Historically, grower showcases helped cultivators move product when retail was scarce. Today, microbusinesses, craft growers, and equity operators are excluded, despite producing the products consumers want to see and sample.

We recommend either:

1. Revising terminology to reflect these as **offsite retail events for RODs and dispensaries**; or

2. Expanding the framework to allow equitable showcase events hosted by the producers themselves, including microbusinesses, regardless of brick-and-mortar retail.

Equity and License Inclusion
Excluding microbusinesses, vertically integrated, often equity-owned licensees, from event sales is arbitrary, anti-competitive, and inequitable. Many cannot afford a retail storefront, making event-based direct-to-consumer sales essential for survival. Current rules favor large, well-capitalized operators while marginalizing the small businesses the law is intended to support.

We urge OCM to allow microbusinesses the same event permitting rights as other license holders, regardless of retail status, and to clarify how current restrictions benefit cultivators. Denying access to event sales creates structural market disadvantages that are arbitrary and capricious.

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Education and Demonstrations
Limiting educational presentations to licensees and immature plants is unnecessarily narrow. Events should include experts from academic, nonprofit, advocacy, and trade organizations, covering:

- Responsible consumption
- Therapeutic and scientific uses of cannabis
- Environmental and regenerative cultivation
- Equity and justice in cannabis policy
- Challenges for small operators and legacy participants

Live plant demonstrations should be allowed, secured, and part of agricultural and regenerative education. Visual interaction with cannabis plants is vital for public education, normalization, and environmental literacy.

Conclusion
To build a fair and thriving cannabis economy, regulations must:

- Include microbusinesses and equity operators in event sales
- Permit robust educational programming by non-licensee experts
- Recognize and support the supply side that produces the showcased products

Restricting events to large licensees contradicts New York's goals of equity, sustainability, and small business development. We welcome engagement with OCM to implement these changes.

For questions or clarifications, contact: nicole@nysmallfarma.org

On behalf of NYSF Board of Directors,

Nicole Ricci

Nicole Ricci
President, NY Small Farma

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Kingston, NY 12401
www.nysmallfarma.org

Executive Summary:

NYSF Public Comments on Proposed Cannabis Showcase Event Regulations

General Comment: Equity and License Inclusion
Comment: Strike the proposed title "Cannabis Showcase Events" and replace with "Dispensary Offsite Events Permit."

Rationale: The current framework restricts event permits to RODs and standalone dispensary retailers, explicitly excluding microbusiness licensees. This exclusion is arbitrary, capricious, and discriminatory. Microbusinesses, which are vertically integrated and predominantly equity-owned, are legally permitted to cultivate and sell cannabis. Denying them participation while allowing RODs and dispensaries to sell third-party products is anti-competitive, undermines equity goals, and disproportionately disadvantages small operators. Event-based sales are often the only viable route to market for microbusinesses without retail storefronts. NYSF requests clarification for this preferential treatment and urges revision to allow equal participation for microbusinesses.

§117.1 Definitions
Comment: Amend definitions to include microbusiness licensees:

- Adult-use cannabis retailer: add microbusiness license
- Authorized licensee: include cultivators, processors, RODs, RONDs, and microbusinesses
- Event location: allow any site compliant with Cannabis Law rules
  Rationale: Prohibiting cannabis farmers and microbusinesses from selling their own products while allowing third-party retailers to sell them elsewhere is arbitrary and capricious. Any compliant venue should be eligible.

§117.2 Cannabis Showcase Event Permit Eligibility and Application Process
Comment: Permit issuance should include adult-use retailers and microbusinesses. Mandatory partnerships with processors or other licensees are unreasonable for vertically integrated licensees.
Rationale: Retroactive restrictions requiring brick-and-mortar retail undermine microbusiness licensing. Microbusinesses must be able to sell direct-to-consumer without requiring competitor participation.
Request: Clarify distinctions between licenses and allow flexible participation consistent with licensing laws.

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Comment: Add provision: Office shall review permit applications within 10 days; if delayed, fees shall be refunded.
Rationale: Delays cause financial harm and operational uncertainty. Enforceable deadlines ensure fairness for small, resource-constrained businesses.

Comment: Strike §117.2(ii)-(vi) regarding compliance, health and safety, staffing feasibility, and applicant history.
Rationale: These criteria are duplicative, subjective, or unrelated to public safety, creating arbitrary barriers and inconsistent standards that disproportionately affect small licensees.

§117.3 Cannabis Showcase Event Operations – Authorized Sales
Comment: Replace "Permittee" with "Permittees" and allow all authorized licensees, including microbusinesses, to sell their own products.
Rationale: Prohibiting sales by lawful producers is economically counterproductive and inconsistent with MRTA. Small, craft, and legacy operators must be able to sell directly.

Comment: Strike the 40% shelf-space requirement for non-ROD products.
Rationale: Arbitrary quota undermines equity and small business participation.

Comment: Strike prohibitions on hosting events on private property when licensees are not selling.
Rationale: Restricting property use is arbitrary and limits small business opportunities.

Comment: Strike locked display requirement for samples and prohibition on giveaways.
Rationale: Open displays and sampling are standard marketing tools. Prohibitions disproportionately harm small operators and contradict equity goals.

Comment: Strike redundant provisions on age verification, employee responsibilities, and sales area supervision.
Rationale: Already addressed elsewhere; duplicative language increases regulatory burden.

Comment: Replace restrictive rules on inventory acquisition and product display with flexible guidelines.
Rationale: Vertically integrated microbusinesses must be able to acquire and showcase products without undue constraints.

Comment: Expand educational presentations to include non-licensee experts, broader topics, and secure live plant displays.
Rationale: Enhances public education, equity, and normalization.

Comment: Permit on-site consumption where lawful.
Rationale: Adults have statutory consumption rights; OCM cannot override lawful consumption at private or open-air events.

Comment: Replace prescriptive vendor/activity lists with good faith compliance efforts.
Rationale: Reduces undue liability and chilling effects on small business participation.

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NYSF PUBLIC COMMENTS

Pursuant to the authority vested in the Cannabis Control Board by Section 130-a of the Cannabis Law, a new Part 117 is added to Chapter II of Subtitle B of Title 9 of the Official
Compilation of Codes, Rules and Regulations of the State of New York, to be effective upon
publication of a Notice of Adoption in the New York State Register.

*Part 117 – [**strike**: ~~Cannabis Showcase Events.~~]*. **[replace with**: Dispensary Offsite Events Permit]

Rationale and General Comment on Equity and License Inclusion*:*
The proposed regulations unfairly restrict cannabis event permits to ROD licensees and standalone dispensaries while explicitly excluding microbusiness licensees. Microbusinesses, which are vertically integrated and predominantly equity-owned, are legally allowed to both cultivate and sell cannabis—but under these rules, they cannot sell directly to consumers at cannabis showcase events.

This exclusion is arbitrary, anti-competitive, and directly undermines the intent of New York's Cannabis Law to support small businesses and equity operators. Many microbusinesses cannot afford a brick-and-mortar retail location; for them, event-based direct sales are not optional—they are essential for survival. Denying them this access gives large, well-capitalized firms an unfair advantage and marginalizes the very operators the law was designed to help.

Requiring microbusinesses to open a retail store to sell directly at events is a material post-application reduction in the value of their license. This policy is unsupported by the law and threatens small business viability and equity in New York's cannabis market.

Recommendation: Allow microbusiness licensees the same event-based direct-to-consumer sales rights as RODs and standalone dispensaries to uphold fairness, equity, and the original intent of the Cannabis Law.

We request clarity on why OCM has elected to favor ROD and Retailers over other retail associated licensees. We strongly urge the Office to revise the regulations to allow microbusiness licensees, even those without brick and mortar establishments, the same event permitting rights as other vertically integrated or retail license holders.

§ 117.1 Definitions.
§ 117.2 Cannabis Showcase Event Permit Eligibility and Application Process.
§ 117.3 Cannabis Showcase Event Operations.
§ 117.4 Cannabis Showcase Event Permit Limitations.
§ 117.5 Cannabis Showcase Event Vendors.

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§ 117.6 Severability.

§ 117.1 Definitions.

(a) All definitions set forth in section 118.1 of this Chapter shall be applicable to this Part unless otherwise defined herein.

(b) For purposes of this Part, the following definitions shall apply:

(1) Adult-use cannabis retailer means a registered organization with dispensing (ROD) [add: a micro business license] or an adult-use retail dispensary which is licensed pursuant to Article 4 of the Cannabis Law to operate.

(2) Applicant means an adult-use cannabis retailer applying for a cannabis showcase event permit.

(3) Authorized employee means an employee that is included in the staffing plan as provided by the permittee and authorized licensees for each cannabis showcase event permit.

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(4) Authorized licensee means a cultivator, processor, ROD, ROND, or microbusiness which is licensed pursuant to Article 4 of the Cannabis Law to showcase at a cannabis showcase event.

(5) Cannabis showcase event, or event, means an event as defined in section 130-a of the Cannabis Law.

(6) Cannabis showcase event permit, or permit, means a permit issued by the office pursuant to section 130-a of the Cannabis Law.

(7) Cannabis showcase event area, or event area, means the physical space of a cannabis showcase event location, as described in a cannabis showcase event site plan, where a cannabis showcase event is taking place, whether indoors or outdoors.

(8) Cannabis showcase event sales area or sales area means the physical space within a cannabis showcase event area where the permittee is transacting sales of adult-use cannabis products.

(9) Employee in charge of showcasing means a management-level employee of an authorized licensee, who is at least 21 years of age or older and is designated by such authorized licensee to perform and/or oversee showcasing operations of an authorized licensee at a cannabis showcase event.

(10) Employee in charge of sales means a management-level employee of the permittee who is at least 21 years old of age or older and is designated by the permittee to supervise the cannabis showcase event sales area.

(11) Farmers' market means farmers' market as defined in section 260 of the Agriculture and Markets Law.

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(12) Lead contact means a management-level employee of the permittee who is at least 21

years old of age or older that is designated by the permittee for the cannabis showcase event

staffing plan and compliance leading up to and at the cannabis showcase event.

(13) Partnership means an agreement between an adult-use cannabis retailer and an authorized licensee to participate in a cannabis showcase event.

(14) Permittee means a licensed adult-use cannabis retailer that holds a cannabis showcase

event permit issued by the office.

(15) Pop-up or pop-up location means a temporary location for the short-term operation of

a cannabis showcase event, which is away from the adult-use cannabis retailer's licensed premises.

(16) Public market means public market as defined in section 260 of the Agriculture and Markets Law.

(17) Showcase means showcase as defined in section 130-a of the Cannabis Law.

(18) Vendor means a business or entity that is not licensed by the board that has an agreement with the permittee to provide goods or services at a cannabis showcase event pursuant

to section 117.6 of this Part.

§ 117.2 Cannabis Showcase Event Permit Eligibility and Application Process.

(a) Eligibility.

*(1) A cannabis showcase event permit **[strike**: ~~shall only~~] **[replace**: can] be issued to an adult-use cannabis retailer [add: or microbusiness license,*

Rationale: The proposed regulations authorize off-site retail sales for ROD licensees and standalone dispensaries, while explicitly excluding microbusinesses from meaningful participation. This exclusion undermines the very purpose of the microbusiness license. The Office of Cannabis Management (OCM) originally framed microbusinesses as a pathway for legacy operators and small entrepreneurs to enter the legal market, with direct-to-consumer sales and brand development as core benefits.

However, after licensure, microbusinesses were informed that all retail sales—including delivery and event sales—require a brick-and-mortar location. This costly requirement was not clearly articulated at the time of application and is unsupported by the MRTA or prior regulations. By contrast, Conditional Adult-Use Retail Dispensary (CAURD) licensees could make deliveries and participate in Cannabis Showcases before securing a storefront.

This retroactive restriction diminishes the value of the microbusiness license, reducing it to a glorified cultivation permit, and disproportionately harms undercapitalized and equity-prioritized operators. Many microbusiness applicants relied on phased business models, deferring retail

operations until cultivation and processing were financially viable, with the expectation of event-based and delivery sales. Excluding microbusinesses from these channels imposes arbitrary and inequitable barriers, while simultaneously granting other license types expanded access to retail and promotional opportunities.

For microbusinesses in opt-out jurisdictions, the effect is particularly severe: without retail infrastructure, the license becomes effectively inoperable, limiting brand-building, consumer engagement, and sustainable income. Denying participation in permitted events relegates small cultivators to wholesale-only markets with unsustainable margins and no opportunity for differentiation.

We urge OCM to expressly authorize microbusinesses to host and participate in permitted events to directly showcase and sell their products, even absent a brick-and-mortar location. OCM should also consider permitting microbusinesses to act as retail conduits for Tier 1 and Tier 2 cultivators within the same regional economic zone to expand market access, enhance product diversity, and support small business and equity objectives, including revitalization of New York's agricultural communities.

At minimum, failing to allow microbusinesses to sell direct-to-consumer at events threatens the viability of small and legacy operators and undermines the principles of equity, inclusion, and opportunity upon which New York's cannabis regulatory framework was founded.

Request for Clarification:

1. **On what basis has OCM chosen to restrict the microbusiness tier from direct event sales and deliveries?**

2. **Which provisions justify denying microbusinesses direct-to-consumer sales outside brick-and-mortar establishments?**

*(2) A cannabis showcase event permit must be located [**strike:** ~~at a pop-up location, farmers' market, or public market~~.] [**add:** at a location that complies with all rules and regulations of the Cannabis Law]*

Rationale: It is both ironic and deeply concerning that the Office seeks to prohibit cannabis farmers and microbusinesses from selling their own products directly to the public, while simultaneously authorizing those same products to be sold by third-party retailers at farmers', pop-up, and public farmers markets only. This contradictory policy posture not only undermines the role and autonomy of small cultivators, but it also raises legitimate questions about whether the Office is deliberately disadvantaging cannabis farmers in favor of more capitalized license types. It also raises questions about the Office's comprehension of what a farmers market is and what the mission of those markets are.

The proposed restriction on event venue eligibility is arbitrary and capricious, lacking any clear, objective, or evidence-based rationale. The regulation imposes sweeping

and unnecessary limitations on the types of venues where licensed cannabis events may be held, without identifying a legitimate governmental interest or statutory authority that justifies such categorical exclusions. There is no rational basis to prohibit otherwise lawful and compliant venues, such as private residences, private rental spaces, on agricultural land, standing commercial locations, or outdoor festival grounds, from hosting permitted events. **Provided that an event is conducted in accordance with applicable public health, safety, and local zoning laws, there is no compelling justification for the Office to impose a blanket restriction based solely on venue classification. We are therefore seeking clarification to the rationale of this rule.**

The failure to articulate clear, consistent, and defensible criteria for permissible event locations grants the Office excessive and unbounded discretion, which contravenes fundamental principles of administrative law. As such, the regulation may be found invalid under CPLR § 7803(3), which prohibits state agencies from acting in a manner that is arbitrary, capricious, or unsupported by substantial evidence. New York courts have consistently held that agency actions must be grounded in a rational basis and aligned with the enabling statute's purpose.

Accordingly, **the current regulatory language should be struck and replaced with alternative language that permits licensed cannabis events to be held at any venue that complies with applicable state and local laws, including zoning, safety, and public health requirements**. Absent a demonstrated and evidence-based justification, the Office has no authority to impose overbroad or categorical restrictions on venue types, and doing so would expose the regulation to legal challenge and reputational harm.

*(3) To be eligible for a cannabis showcase event permit, an applicant shall [**add**: be a microbusiness license holder, ROD, or have entered] [**Strike**: ~~enter~~] into a partnership with at least one licensed cultivator [**Strike**:~~and~~] [**add**:or] at least one licensed processor who will participate as authorized licensees.*

Rationale: Mandating the inclusion of a processor at all permitted cannabis events, regardless of the event's nature, subject matter, or relevance to the participants' business models, constitutes an undue interference with legitimate business discretion and represents regulatory overreach. It is particularly unreasonable when applied to RODs and microbusinesses that cultivate and manufacture their own products. Requiring such vertically integrated licensees to include unrelated third-party businesses as a condition of hosting is an unwarranted intrusion into their commercial autonomy and dilutes the value of their licensure.

We find this requirement arbitrary and capricious as there is no objective, evidence-based rationale for mandating the participation of a processor in such events, particularly where the event pertains exclusively to cultivation practices or consumer

education regarding finished products by the permit host. This blanket requirement lacks a clear nexus to public health, safety, or regulatory compliance and instead imposes unnecessary and burdensome constraints on licensees. It limits the ability of microbusinesses and dispensaries to lawfully conduct essential business activities such as consumer education, brand development, and transparency in the supply chain. These are precisely the types of functions envisioned and encouraged under the MRTA as part of a just, informed, and inclusive cannabis marketplace.

Administrative agencies are prohibited from imposing conditions that are arbitrary, lack a rational basis, or exceed the scope of their statutory authority. The current provision fails to meet this standard and may be deemed invalid under CPLR § 7803(3) and applicable case law. Accordingly, this requirement should be struck or revised to allow licensees full discretion to determine appropriate event participants, provided that all involved parties are duly licensed and the event otherwise complies with all relevant laws and regulations. Such a revision would ensure consistency with principles of administrative law and better align with the MRTA's intent to empower small businesses, support equity licensees, and promote informed consumer engagement.

[**Strike**: ~~*(i) For the purposes of this Part, a licensed microbusiness shall be considered a licensed*~~
~~*cultivator, provided, however, that a licensed microbusiness may instead be considered a licensed*~~
~~*processor if such licensed microbusiness has received processing authority from the office,*~~
~~*pursuant to section 123.11 of this Chapter. A licensed microbusiness may not participate in an*~~
~~*event as both a licensed processor and a licensed cultivator.]*~~

Rationale: The proposed restrictions dictating who may participate in cannabis showcase events, including limits on the number of participants and their tier classification, are wholly unnecessary and lack any objective justification. These regulations purport to govern permits for events intended to showcase cannabis products, yet impose unwarranted controls over participant composition without evidentiary support or a clear regulatory purpose.

The selection of participants should be left to the discretion of the permit holder, who is best positioned to determine the appropriate theme and focus of the event, whether that be cultivation, processing, retail, or other segments of the cannabis industry. Imposing rigid quotas or mandatory inclusion of certain license tiers lacks rational basis and constitutes an overreach of regulatory authority.

Such arbitrary constraints undermine the flexibility and innovation intended for cannabis events and inhibit the licensees' ability to effectively market and educate the public about their products. Therefore, this language should be struck and replaced with provisions that allow permit holders full discretion over participant selection, consistent with applicable licensing laws and event objectives.

Strike: ~~*(ii) An applicant may be in partnership with more than one licensed processor on an event application; provided, however, for each licensed processor listed on an application, the applicant is required to have at least one licensed cultivator in partnership for such event application.*~~

Rationale: same as above. Unnecessary, arbitrary and capricious

~~*[***Strike**: *(4) The licenses or registrations of applicants and authorized licensees must be in effect at the time of application and during the event.]*~~

[Add: Applicants and authorized licensees must hold valid and active licenses or registrations at the time of application and throughout the duration of the event.]

Rationale: poorly worded and unclear. Suggest replacing language with suggested language.

Request for clarification : what is the difference between licenses and registrations? What is a valid registrations in this case?

*(5) A ROD **[add:** and microbusiness] may apply for a permit and shall be authorized to sell and showcase its own cannabis and cannabis products, as well as cannabis and cannabis products produced by other adult-use cannabis licensees in this state. A ROD [**add:** and microbusiness] may participate in a cannabis showcase event as*

*an authorized licensee showcasing cannabis products either in their capacity as a cultivator [**Strike**: ~~or~~] [**add:** and/or] as a processor, **[Strike**: ~~At no time shall a cannabis showcase event permit authorize a ROD to act ~~] **[Add**: and can be authorized to act concurrently as a permittee and an authorized licensee at an event.*

Rationale: Microbusiness growers and small craft cultivators already face significant disadvantages due to limited canopy size and constrained access to capital. Regulatory policy should aim to level the playing field rather than exacerbate existing inequities. Denying microbusinesses privileges available to larger licensees, such as hosting and permitting cannabis showcase events and restricting them solely to ROD participation is prejudicial, unfair, and arbitrary and capricious.

If a lawful cannabis business, whether engaged in cultivation, processing, or retail, seeks to host an event to highlight and market its products, there is no legitimate regulatory basis to prohibit or restrict their ability to do so. The fundamental purpose of an event permit is to enable such lawful showcasing and direct engagement with consumers.

Precluding microbusinesses from acting as permit holders or restricting their ability to display and sell their own products during events contradicts the regulatory intent and fails to reflect the realities of the marketplace. This approach lacks rational basis and undermines equity goals, rendering the restriction arbitrary and capricious.

Therefore, we strongly recommend striking the current language and replacing it with the proposed alternative language that affirms microbusinesses' right to host, permit, and showcase their products at cannabis events and without dictating that they also display products from their competitors.

(6) A cannabis showcase event permit shall be effective for no more than fourteen consecutive calendar days.
***[Strike:** ~~(7) No location may be used for more than fourteen consecutive days or more than fortyfive days in a calendar year, for any cannabis showcase event.]~~*

Requesting clarification: This seems arbitrary and capricious. What is the reason that a business cannot hold an event for more than 45 days in a calendar year? What is the regulatory, health or safety rationale?

*(8) A separate cannabis showcase event permit shall be required for each ~~adult-use cannabis~~ **[add:** location where event is taking place.]*
***[Strike:** ~~retailer]~~ ~~seeking to locate an event at a pop-up, farmers' market, or public market.~~*

Rationale: Should not be confined to only retailer and original wording was verbose and unclear.

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(9) No cannabis showcase event permit shall authorize more than one cannabis showcase event at one time.

*[**Strike**: ~~(10) Licensed cultivators, processors, microbusinesses, RODs, and RONDs may participate in more than one cannabis showcase event at the same time as authorized licensees, provided that:~~*

~~(i) each event has a corresponding separate cannabis showcase event permit;~~

~~(ii) each such licensee is in partnership with a permittee for each event;~~

~~(iii) each such licensee is listed as an authorized licensee on such permittee's cannabis showcase event application;~~

*[**add:** (10) Licensed cultivators, processors, microbusinesses, RODs, and RONDs may participate in multiple cannabis showcase events simultaneously as authorized licensees, provided that:*

(i) a separate cannabis showcase event permit has been issued for each event;

(ii) the licensee is listed as an authorized licensee on each permittee's cannabis showcase event application; and

Rationale:

(1) The original language is vague and lacks clarity, making it difficult for licensees to confidently interpret compliance obligations. Ambiguity in regulatory language invites inconsistent enforcement and creates unnecessary legal and operational uncertainty for small businesses.

(2) **We recommend striking subsection (ii)**, as it inappropriately restricts the ability of a single licensee to act as both the permit holder and the sole participating business at a permitted event. There is no rational justification for requiring partnership or co-participation as a precondition for hosting an event. A licensee should be permitted to organize and conduct an event independently if they so choose.

This change does not prohibit multiple licensees from partnering or collaborating on an event; rather, it preserves the flexibility for a single lawful business to host an event and showcase its own products without being compelled into unnecessary partnerships. As written, the provision is unduly burdensome, discriminatory against small operators, and lacks a clear regulatory purpose, rendering it arbitrary and capricious.

We therefore recommend revising the provision to ensure that licensees may serve as both the permittee and the sole participant at their own events,

consistent with principles of equity, administrative fairness, and business autonomy.

(11) Permittees may conduct no more than two cannabis showcase events at the same time.
(b) Required Application Information. The applicant shall provide the following information for
the proposed cannabis showcase event permit:
(1) applicant name, contact information, and license number;
***[Strike**: ~~(2) a brief description of the cannabis showcase event;~~*
~~(3) cannabis showcase event name;~~]

***Rationale:** unnecessary, overburdensome regulations.*

(4) cannabis showcase event location address;

*~~[**Strike**: (5) the dates and times, including the hours of operation of the actual sale and showcasing~~*
*~~of cannabis products, which the cannabis showcase event shall occur;~~] **Replace** with: the dates and times, including the specific hours of operation for the sale and showcasing of cannabis products, during which the cannabis showcase event will take place;]*

Rationale: suggested wording for clarity and ease of understanding and reading.

*[**Strike** ~~(6) names of the permittee's lead contact, employee in charge of sales and all other~~*
~~authorized employees;~~]

Rationale:
The requirement to disclose specific individual employees involved in sales at a permitted event is unnecessary, overly burdensome, and inconsistent with standard regulatory practices. Regulators do not require daily disclosure of which employees are making sales at brick-and-mortar dispensaries or delivery operations, and there is no compelling reason to impose such a requirement in the context of temporary, permitted events.

This level of detail is administratively burdensome for licensees, particularly small businesses with limited staffing flexibility, and provides little to no added value in terms of compliance, oversight, or public safety. All individuals conducting sales at licensed events are already required to be employees of licensed entities and subject to existing training and tracking requirements. Therefore, this additional reporting serves no

material purpose and imposes disproportionate compliance burdens on small operators.

We recommend striking this provision and instead affirming that all participating staff must be employees of the licensed entity and compliant with existing workforce requirements. This approach ensures accountability without unnecessary administrative overreach.

(7) names, contact information, and license numbers of authorized licensees that will showcase at the event;

[Strike: ~~*(8) a site plan, including, but not limited to:*~~
~~*6*~~
~~*(i) cannabis showcase event area and cannabis showcase event sales area descriptions and*~~
~~*measurements, including an approximate drawing and/or photographs; and*~~
~~*(ii) a map of the pop-up, farmers' market, or public market where the cannabis showcase*~~
~~*event will be located, which shall include the location of the permittee's cannabis showcase event*~~
~~*permit area;]*~~

Rationale:
The proposed requirement for submission of detailed site plans, including names of events, social media handles, images, and drawings is excessive, lacks clear regulatory purpose, and constitutes administrative overreach. This level of scrutiny is unjustified for temporary, small-scale events and creates undue burdens on licensees, particularly microbusinesses and small operators.

The Office's role should be limited to verifying compliance with core public health, safety, and licensing standards. Requiring aesthetic details such as event names or social media accounts, or demanding visuals like site drawings, pictures, or promotional materials, far exceeds what is necessary for regulatory oversight. These requirements are arbitrary, unrelated to statutory authority, and likely to delay permit processing thereby undermining the purpose of the rule.

During previous permitting rounds, the Office's processing timelines were frequently delayed, with applicants often receiving approval the night before scheduled events. This lack of timely response made it virtually impossible to advertise or plan effectively. Adding superfluous documentation requirements will only exacerbate these problems, increase administrative bottlenecks, and further disadvantage small businesses.

We therefore recommend removing or significantly narrowing this provision to require only what is reasonably necessary to ensure compliance with applicable health, safety, and operational regulations.

(9) information on all cannabis showcase event vendors for such event, including, but not
limited to, the following information:
(i) name, trade name or "doing business as" name, ***[strike:*** ~~*and description of the vendor or vendors]*~~*;*
Rationale: unnecessary, the Office knows this information already

*[****Strike:*** ~~*(ii) the activities that the vendor intends to engage; and*~~
~~*(iii) for any food vendors, an attestation by the applicant that all such vendors possess or*~~
~~*will possess an active temporary food service permit to operate from the appropriate health*~~
~~*authority within this state or by the Department of Agriculture and Markets, as applicable;]*~~

Rationale : unnecessary. The law requires all food vendors to be permitted it is not the role of the Office to verify those permits or require their licensees to verify them.

(10) cannabis showcase event location host name and contact information;
(11) security and storage plan. The security and storage plan must ensure that:
(i) anyone attending the event does not have direct access to product unless inspecting samples;

(ii) any cash is locked and secure and never left unattended at the cannabis showcase event;
[Strike: ~~*(iii) the permittee will possess or have access to a secure internet connection at the event*~~
~~*for the purpose of facilitating and tracking cannabis product transactions;]*~~

Rationale:
This provision constitutes regulatory overreach and imposes unrealistic operational demands on small businesses. It is not within the appropriate scope of the Office's authority to dictate how businesses manage internal matters such as cash handling, so long as all required transaction data is properly secured and recorded and submitted in accordance with applicable reporting requirements.

Mandating real-time data uploads or implying that events must be terminated due to temporary loss of internet or power connection is unnecessary, impractical, and punitive. Technical interruptions should not be grounds for shutting down a permitted event, particularly when licensees can ensure that all sales data is preserved and uploaded as soon as connectivity is restored.

This provision creates unnecessary risk and uncertainty for operators, especially in rural or outdoor settings where connectivity may be unreliable. It also contradicts the principles of regulatory fairness and proportionality. We recommend revising this language to clarify that data must be recorded at the time of sale and uploaded to the required system within a reasonable timeframe, without mandating continuous live connectivity or threatening immediate termination of otherwise compliant events.

(iv) ~~the~~ permittee~~s~~ and authorized licensees will continue to comply with all storage and security requirements pursuant to section 125.3 this Chapter;
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(v) cannabis products not intended for display shall be secured in an area that is only accessible to authorized employees, not visible to customers, and is suitable to the cannabis
product form being stored;
*[**Strike:** ~~(vi) cannabis products shall not be left at the cannabis showcase event area overnight; and~~]*

Rationale: provided the permittee has demonstrated that the products are secure, there should be no issue with products remaining in the secure location until the duration of the event, whether that is one day or 14 days.

(vii) a description of the measures being taken to ensure that the cannabis showcase event
will be limited to populations 21 years of age or older;
*[**Strike:** ~~(12) any advertisement or marketing to be used for the cannabis showcase event pursuant~~*
~~to Parts 128 and 129 of this Chapter;~~]

Rationale: unnecessary for staff to review this. There are advertising regulations in place and licensees are required to follow them whether hosting and event or not. You do not need a double layer of having to have staff review this.

*(13) [**add**: if required by the municipality], an authorization from the municipality where the event is proposed to take place,*

Rationale: This requirement is unnecessary and redundant. Licensees are already subject to comprehensive advertising regulations under existing cannabis laws and are

obligated to comply regardless of whether they are hosting or participating in an event. Requiring staff to pre-review advertising or marketing materials for events imposes an additional bureaucratic layer with no demonstrated benefit to public safety or regulatory compliance. It creates delays and burdens for licensees, especially small operators, without advancing the stated goals of the regulations. **We recommend striking this provision entirely.**

which shall:
(i) be signed by an official of the municipality where the cannabis showcase event is to take place;
(ii) include the cannabis showcase event location, days, and times at which cannabis products are being offered for sale or sold; and
(iii) state that the municipality approves or authorized the event;
[***strike:*** *~~(14) if the event is located at a farmers' market or public market, a written authorization from the farmers' market or public market for the permittee to operate the cannabis showcase event. The written authorization shall:~~*
~~(i) be signed by the manager or other official representative of the farmers' market or public market responsible for approving vendors, merchants, or events;~~
~~(ii) include a notation of any fee that may be required by the farmers' market or public market for the cannabis showcase event to take place, and whether such fee has been paid; and~~]

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[***Strike****: ~~(iii) include the cannabis showcase event location, days, and times at which cannabis products are being offered for sale or sold;~~*
~~(15) an attestation from the applicant that it has obtained, or will obtain, all required permits, registrations, approvals, and authorizations to conduct the event and any activities at the event;~~]

Rationale:
The requirement for additional formal documentation or verification (beyond what is already provided to both the state and municipality) related to participant authorization at permitted events is unnecessary and overburdensome. It is not reasonable to assume that uninvited or unauthorized licensees would attempt to participate in a permitted event without the event organizer's consent. The risk of such an occurrence is negligible and does not justify a formal regulatory mandate.

Imposing additional paperwork or procedural requirements to confirm what is already standard business practice, namely, that only authorized participants are present,

creates unnecessary administrative burden, particularly for small and resource-limited operators. These requirements offer little to no added value in ensuring compliance or public safety, and instead contribute to regulatory fatigue.

We recommend that the Office allow permittees to self-certify participant involvement as part of the permit application, without requiring separate documentation or approvals. This approach respects business autonomy, reduces unnecessary red tape, and remains fully consistent with the overarching goals of responsible and compliant cannabis operations.

[Strike: ~~*(16) any other information as determined by the office.]*~~

Rationale:
The provision is ambiguous, overly broad, and lacks the clarity necessary for consistent and fair implementation. Allowing the Office to require "other information" at its discretion creates an open-ended standard that invites arbitrary enforcement, results in uneven treatment among applicants, and undermines transparency and due process.

To ensure fairness, predictability, and equal treatment under the law, all required information for a permit application should be explicitly listed in the regulation itself. Granting the Office unchecked discretion to request additional information on a case-by-case basis is inconsistent with principles of good governance and may lead to prejudicial or inconsistent outcomes.

We therefore recommend that this language be revised to enumerate all required elements of an application, and eliminate any vague catch-all provisions that allow for subjective or unequal application of the rules.

(c) Application Fees. All cannabis showcase event permit applications shall be accompanied by a
non-refundable application fee for a permit as follows:
(1) for an event no more than three days: $300;
(2) for an event at least four days but no more than seven days: $550; or
(3) for an event at least eight days but no more than fourteen days: $800.
(4) For the purposes of this Part, permit applicants that qualify as social and economic equity licensees shall qualify to pay a 50% reduced permit fee.
(d) Application Review Process.
(1) An application must be received by the office at least 45 calendar days before the proposed cannabis showcase event, except for good cause shown.
(2) If the application is incomplete or otherwise insufficient to satisfy the requirements of

this Part, the applicant shall receive a deficiency notice from the office.
(i) The applicant shall have 15 calendar days to cure any deficiencies.
(ii) If the applicant cannot cure all the deficiencies within such period, the application will be denied.

***[add:** (iii) The Office shall take no more than 10 days to review a cannabis showcase event permit application. If the Office takes more than 10 days to complete its review, the permit application fee shall be refunded to the applicant, regardless of whether the permit is ultimately approved or denied.]*

Rationale:
The lack of timeliness and accountability in the Office's review process for Grower's Showcase permits during prior implementation periods caused significant financial harm to applicants and undermined the viability of the events themselves. In many instances, permit approvals were delayed until the eve of the event, depriving hosts of any meaningful opportunity to advertise, coordinate logistics, or ensure a successful turnout.

Such delays are not only inefficient but also harmful to small and resource-constrained businesses that rely on timely permitting to execute planned operations. Without mandated timelines or accountability measures, applicants are left in a state of uncertainty that disrupts business planning and diminishes trust in the regulatory process.

To prevent recurrence of these harms, the regulations must include clear and enforceable deadlines by which the Office must review and respond to permit applications. Timely administration is a basic expectation in a fair permitting system and critical to the success and integrity of the cannabis marketplace.

(3) The following factors will be considered by the office to determine whether the application should be approved:
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(i) completion of application;
***[Strike:** ~~(ii) compliance with other applicable regulations;]~~*

Rationale:
Applying for an event permit should not automatically trigger a full compliance review. During the previous round of permitted cannabis "showcases," applicants experienced excessive delays due to compliance checks unrelated to the permitting process itself. In several cases, permits were denied for minor or administrative deficiencies, such as missing weekly reports or pending updates to Labor Peace Agreements (LPAs) related to Doing Business As (DBA) filings that had no material bearing on public health, safety, or operational eligibility.

If such minor compliance issues do not rise to the level of enforcement action sufficient to halt ongoing retail operations at dispensaries, they should not be used as grounds to deny participation in a temporary, permitted events. Conditioning permit approval on unrelated compliance determinations is inconsistent, disproportionate, and harmful to small businesses, particularly when compliance response times have been unreasonably slow, causing financial losses and rendering event promotion and planning nearly impossible.

Compliance enforcement should be carried out on its own timeline and according to its own standards, not selectively triggered by the separate and time-sensitive permitting process. We strongly urge the Office to decouple permit review from unrelated compliance audits to ensure fairness, administrative consistency, and timely permitting.

***[Strike**: ~~(iii) health and safety issues;~~*
~~(iv) risk factors that may attract or expose children to cannabis products;~~]

Rationale:
This provision constitutes regulatory overreach and introduces ambiguity into an area already well-governed by existing statutory and regulatory frameworks. The MRTA and associated regulations already contain robust provisions to address public health, safety, and protections for minors in relation to cannabis. Introducing additional, piecemeal requirements specific to event permits creates inconsistency, adds unnecessary bureaucratic layers, and risks duplicative or conflicting standards.

If the Office believes further protections are warranted, such policy should be addressed through a comprehensive rule-making process that applies uniformly across all license types and contexts. Permit holders are not exempt from the rest of the regulations. The event area is already required to secure access for only 21 and over. **Request clarity**: w**hat is the justification for selectively imposed child health and safety rules, broader than those that currently exist, applied only to special event permit holders?** Isolating this requirement within the permitting process singles out a narrow group of operators for burdensome and potentially unclear obligations without a rational basis.

For these reasons, we recommend striking or significantly narrowing this provision to avoid redundancy, regulatory inconsistency, and undue burden on licensees operating in good faith under existing health and safety laws.

***[Strike**: ~~(v) feasibility of complying with proposed staffing, security, cannabis storage, or any other~~*
~~plan submitted in the application~~]; and

Rationale:
This provision exceeds the appropriate scope of regulatory oversight by introducing a vague and subjective standard, namely, requiring Office staff to assess the "feasibility" of an approved security plan. The regulations already require that cannabis be appropriately secured on-site, and that licensees submit a plan for approval. That review process is the proper and sufficient mechanism to ensure compliance.

There is no legal or practical basis to impose an additional layer of discretionary evaluation after a security plan has been submitted and approved. **Request clarification**: What objective criteria or specialized expertise does Office staff have to evaluate "feasibility," and how will such determinations be standardized across applicants? Allowing staff to make subjective judgments on feasibility, beyond the binary function of approving, curing, or denying a plan, introduces uncertainty, potential bias, and inconsistent enforcement.

Once a security plan is reviewed and approved, based on objective criteria, the permittee should be entitled to rely on that approval. Further discretion beyond this point serves only to delay operations and create confusion. We recommend striking or revising this provision to clarify that the Office's role is to approve or deny security plans based on compliance, not to assess operational "feasibility."

[Strike: ~~*(vi) applicant's history of compliance with the cannabis law and this chapter.]*~~

Rationale: Same as above. If the licensee is approved to sell in stores, then there should be no different or prejudice treatment regarding offsite permit sales.

§ 117.3 Cannabis Showcase Event Operations.
(a) Authorized Sales.
(1) Adult-use cannabis product sales at a cannabis showcase event shall be limited to the
[Strike: ~~*Permittee]*~~ *[**Replace**: Permittees] named on the permit for such event.*

Rationale: there can be multiple participants in one offsite event.

[Strike: ~~*(2) Any authorized licensee that showcases their adult-use cannabis products at a cannabis showcase event shall be prohibited from engaging in direct or indirect cannabis sales at a cannabis showcase event to any person.]*~~

Rationale:
This provision should be struck in its entirety as it is fundamentally unreasonable, economically counterproductive, and inconsistent with the stated goals of the MRTA. If

the Office intends to limit event-based sales to traditional retail dispensaries only, then the regulation should be plainly titled as an "Offsite Retail Dispensary Permit." However, if the purpose is to enable cannabis showcase events that support the visibility, viability, and economic sustainability of the broader supply chain, including cultivators, processors, and microbusinesses, then this prohibition must be removed.

There is no rational basis to prohibit the very licensees who lawfully cultivated, processed, or manufactured the cannabis from participating in the direct or indirect sale of its own products at a permitted event. Such restrictions strip value from the supply side of the industry and contradict the MRTA's legislative intent to support small businesses, equity applicants, and revitalize the NY upstate agricultural sector. Preventing small and vertically integrated licensees from participating fully in permitted commerce deprives them of critical revenue streams and reinforces the dominance of better-capitalized retail operators.

Instead of over-regulating and stifling legitimate commerce, the Office should focus on creating a functional and inclusive economic framework, one that prioritizes viability for small and disadvantaged licensees, especially cultivators who are already disproportionately burdened by market access limitations and wholesale pricing pressures.

We urge the Office to revise this provision to permit microbusinesses to engage in direct or facilitated sales at permitted events, irrespective if they have a brick and mortar retail establishment or not. Anything less disrespects the level of effort, resources, and time it takes a grower to make commercial cannabis; undermines the equity goals of New York's cannabis law; and fails to build the diverse and sustainable marketplace the law envisioned.

*[**Strike:** ~~(3) A ROD permittee shall be required to maintain a minimum of 40% of cannabis showcase event available shelf-space for adult-use product cultivated and processed by licensees that are not RODs.]~~*

Rationale:
This provision lacks any statutory or policy justification and should be struck. If a Registered Organization with a Dispensary (ROD) or any other licensee has lawfully cultivated and produced cannabis, they should be allowed to sell that product at an offsite event under a valid permit. To restrict a licensee from selling their own cultivated or manufactured products, particularly if they are otherwise authorized to conduct retail sales is an unreasonable and unjustified overreach of government authority.

There is no provision in the MRTA requiring a licensee to operate a brick-and-mortar dispensary in order to conduct lawful retail sales. Imposing such a policy through regulation or internal Office practice amounts to creating a non-statutory licensing requirement that places disproportionate burdens on small businesses and vertically integrated operators, particularly those with limited capital. This contravenes the MRTA's clear legislative intent to foster equity, reduce barriers to entry, and support the success of small and disadvantaged licensees, including equity cultivation license holders.

Moreover, dictating what proportion of products sold must be manufactured by the permit holder is arbitrary and capricious. The government should not be in the business of mandating product selection decisions. Instead, any licensee lawfully permitted to engage in sales should be free to choose what products to offer, including their own.

We urge the Office to eliminate these restrictions and instead adopt a rational and equitable policy that enables any licensed seller, whether or not they operate a brick-and-mortar dispensary, to participate in event-based sales consistent with their license privileges. To do otherwise is to impose unfair limitations that undermine the viability of small businesses and contradict the core economic and equity goals of New York's cannabis law.

*(5) Licensed cultivators, processors, RONDs, and microbusinesses may [**strike:** ~~only~~]*
*showcase [**add:** and sell]*
adult-use cannabis products at a cannabis showcase event as an authorized licensee.
*[**Strike:** ~~At no time~~*
~~shall such authorized licensees conduct cannabis product sales or purchases at an event.~~]

Rationale:
This provision is arbitrary and capricious and must be struck. There is no objective, rational, or lawful justification for allowing vertically integrated Registered RODs and traditional dispensaries to participate in offsite sales events, while explicitly prohibiting vertically integrated microbusinesses from doing the same.

Microbusiness licensees are authorized under the MRTA to engage in limited cultivation, processing, distribution, and retail sales. These are lawful privileges of the license and should not be stripped by regulation without clear statutory authority or compelling justification. The disparate treatment of microbusinesses. especially when compared to more capitalized RODs and dispensaries, represents a fundamental violation of equal protection, fairness, and the stated equity goals of the MRTA.

To allow RODs, which are vertically integrated and historically better-resourced, to engage in retail sales at offsite events while denying those same rights to microbusinesses, which were explicitly created to support small-scale, equity-driven operators, is unjust, irrational, and contrary to the legislative purpose. It actively undermines the ability of microbusinesses to participate meaningfully in the market, build brand recognition, and generate sustainable revenue.

This provision must be revised to afford vertically integrated microbusiness licensees the same opportunities as dispensaries and RODs to participate in offsite events, including the ability to host and sell directly to consumers, irrespective of whether they have brick and mortar stores. Anything less constitutes regulatory discrimination against the smallest and most vulnerable operators in the market. **Request clarification:** what is the justification for prohibiting microbusiness licenses?

(b) Cannabis Showcase Event Locations.
(1) No permittee shall locate a cannabis showcase event on any premises which shall be:
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(i) within a 200-foot radius of a licensed adult-use cannabis retailer's premises, except when
such premises is licensed to the permittee;
(ii) within a 200-foot radius of the event sales area from the entrance of the adult-use cannabis retailer's premises;
(iii) on the same road and within 200 feet of the entrance of a building occupied exclusively
as a house of worship;
(iv) on the same road and within 500 feet of the entrance of a building occupied exclusively
as a school; and
(v) on the same road and within 500 feet of a structure or its grounds occupied exclusively
as a public youth facility, if the municipality has enacted a local law pursuant to section 119.2 of
this Chapter.
(2) For purposes of this Part, the measurements shall be taken from the closest boundary
of the event sales area to premises exclusively used as a house of worship, school, or public youth
facility.
(3) Pop-up cannabis showcase events may take place in or at:
(i) an open-air location, including, but not limited to a park, beach, square, parking lot,

farm, or field [add: provided that legal consumption is permitted at the open-air];
(ii) a brick-and-mortar location;
(iii) the outside of or immediately adjacent to a licensed adult-use retail dispensary, provided such licensee is the permittee in the event;
*(iv) the cultivation premises of a licensed cultivator, ~~[~~**Strike:** ~~provided such licensee is participating as an authorized licensee in the event;]~~*

Rationale:
This provision is unjustified and should be clarified or struck. There is no reasonable basis to prohibit a licensee from offering their private property as a venue for a cannabis event while choosing not to participate in the display or sale of cannabis products. The mere use of private grounds for a lawful, permitted event does not inherently implicate the licensee in the commercial activities taking place.

If the licensee is not acting as the permit holder and is not displaying or selling cannabis under their license, there is no legal or regulatory rationale to restrict them from leasing or otherwise allowing the use of their property. This creates an unnecessary and arbitrary limitation on the use of private property, and further stifles opportunities for small businesses and licensees to generate ancillary income or support the broader cannabis ecosystem.

The regulation should be clarified to allow any licensee or property owner to offer their property for a permitted event, regardless of whether they are participating in the sale or display of cannabis products, so long as all required permits and compliance standards are met by the permit holder. Absent such clarification, this provision is overly broad, lacks justification, and is likely to result in inconsistent or discriminatory application.

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(v) the processing premises of a licensed processor, provided such licensee is participating as an authorized licensee in the event; or
*(vi) the cultivation and/or processing premises of a licensed microbusiness, ~~[~~**Strike**: ~~provided such licensee is participating as an authorized licensee in the event.]~~*

Rationale:
This provision suffers from the same arbitrary and unjustified overreach as the prior section and should be struck or substantially revised. There is no legal basis to prohibit a cannabis licensee, whether a cultivator, processor, or other operator, from allowing a

permitted cannabis event to occur on their private property if they are not directly participating in the sale or display of cannabis products.

This restriction fails to answer a fundamental question: **why should a licensee who is not acting under the authority of their license, and is not involved in the commercial activity at the event, be prohibited from leasing or lending their private space for a lawful, permitted event? Therefore we request clarification on the answer to the question.** Non-cannabis businesses and farms not licensed under the MRTA are free to host such events, provided the permittee complies with all regulations. To restrict licensees from doing the same with their own land or facilities is inconsistent, discriminatory, and unsupported by any articulated state interest.

It is essential to recognize that a licensee's ownership of land or facilities does not automatically convert a non-participating venue host into an acting cannabis licensee at an event. Requiring licensees to either participate or forfeit the use of their property for permitted events discourages collaboration, undermines potential community-based events, and imposes an unnecessary burden on licensees who wish to support the legal market without engaging in direct commerce at every occasion.

This language represents a regulatory overreach with no apparent public safety, compliance, or policy rationale and must be revised accordingly.

(c) Advertising, Marketing, and Required Posting. All advertising and marketing for a cannabis
showcase event shall comply with the provisions of Parts 128 and 129 of this Chapter.
(1) The permittee shall post, visible to consumers, the cannabis showcase event permit in
a conspicuous location on the premises of the cannabis showcase event area during the approved
hours of operation.
(2) The permittee and any authorized licensees shall post, visible to consumers, any and all
signs or posted placards required by the office, including posting of a copy of their adult-use
cannabis license issued by the office pursuant to Article 4 of the Cannabis Law, and allowable
possession and purchase limits, in a conspicuous location on the premises of the cannabis showcase
event area during the approved hours of operation.
(d) Cannabis Showcase Event Sales Requirements and Authorizations.
(1) A cannabis showcase event shall only be conducted during the approved hours of

operation.
(2) Authorized licensees may display, in secure ***[Strike****: ~~and locked cases,~~]samples of each cannabis*

Rationale:
The purpose of this requirement is unclear and appears unnecessary. Unlike the regulated products such as firearms, cannabis flower and products in dispensaries are routinely displayed openly and accessible for customer interaction, including touching and smelling, such as via sniff jars. Many dispensaries employ tethered sniff jars and when brands come in for activation they rightly have samples in jars untethered on tables for individuals to smell and see. Customer-friendly display methods are already being employed at educational events, dispensary activations, and trade shows, which already provide reasonable control without requiring the product itself to be locked away.

Requiring all cannabis products at offsite events to be locked away at all times is an overly restrictive measure that is not supported by industry standards or public safety concerns. This regulation is better suited for products with a higher risk profile and does not reflect the practical realities of cannabis retail or trade show operations statewide and nationwide, where open product displays are common and accepted.

As a reasonable compromise, the Office may consider allowing cannabis to be openly displayed during attended hours, with the stipulation that if a display is unattended, all cannabis products must be securely locked within the display. This would balance security concerns with customer experience and practicality.

*[**Strike:** ~~product. Authorized employees may remove samples from the display case and provide it to the cannabis consumer for inspection, provided the cannabis consumer may not consume or otherwise use or remove such sample from the cannabis showcase event area.~~]*

Rationale: This provision presents as prohibition era hysteria. Cannabis is now legal in NYS. Consumers are allowed to smoke it. If an event is taking place on private property consumers may consume that product. If cigarettes are allowed, then sellers can consumer the product while selling. It is legal. You are allowed to consume cannabis at very few legal locations in NY, further restricting those locations is unwarranted. These regulations should not contradict the law. Further samples are allowed to be given to bud tenders and dispensary owners when making wholesale order sales. **Please provide clarification on what is the justification to prohibit it here?**

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(3) The permittee shall not allow any person under the age of 21 to enter or attend the cannabis showcase event, including the event sales area. The permittee shall utilize identification
and age verification for persons entering an event sales area.
(4) Cannabis products shall only be sold by authorized employees of the permittee who shall be 21 years of age or older.
(5) Employees shall verify the identification and age of all cannabis consumers as provided

for in subdivision (d) of section 123.10 of this Chapter.
*[**Strike**: ~~(6) The prices of all items for sale must be clearly designated, and the permittee shall~~*
~~provide the price of all items to consumers. Any items on display for sale at a cannabis showcase~~
~~event must display a price tag, sign, or placard stating the item's price and total cost to the~~
~~consumer, including taxes.~~]

Rationale:
This provision represents an unwarranted overreach of government authority into the day-to-day operations of private businesses. While it may be advisable or even good business practice for licensees to adopt the specified measures, there is no demonstrated necessity or justification for the government to mandate such prescriptive operational requirements, especially when they exceed what is reasonably required to protect consumers and ensure public safety.

Regulatory interventions should be narrowly tailored to address legitimate risks and public interests, not impose arbitrary or burdensome mandates that dictate specific business practices without a clear evidentiary basis. Such overregulation stifles innovation, imposes unnecessary compliance costs, and undermines the autonomy of licensed operators to manage their businesses effectively.

Accordingly, this requirement should be reconsidered or removed unless the Office can demonstrate its essential role in protecting consumers or ensuring regulatory compliance.

*(7) **[Strike**: ~~Under no circumstances shall permittees or authorized licensees be authorized to give~~*
~~away any adult-use cannabis products to any licensee, person or entity.~~]

Rationale:
The prohibition on cannabis giveaways presents a significant barrier for small farmers, craft producers, and emerging brands seeking to promote their products and educate

consumers. In many traditional industries, free samples are a fundamental marketing tool used to introduce new products, build brand recognition, and facilitate consumer choice, including samples of alcohol for promotional sale purposes to of age consumers. By disallowing giveaways, the regulation disproportionately disadvantages small operators who lack extensive marketing budgets or access to traditional advertising channels and further perpetuates the stigma associated with cannabis that it is somehow inherently dangerous when it is in fact safer and healthier for consumers than cigarettes and alcohol.

From a cultural and justice perspective, especially within the cannabis reform and legacy community, gifting and sampling cannabis has historically played an essential role in destigmatizing use, fostering community healing, and supporting equitable market participation. Legacy, craft, and equity-focused growers, particularly those practicing regenerative agriculture, often rely on giveaways to connect with consumers and rebuild trust in a market shaped by decades of prohibition and criminalization.

Therefore, a complete ban on giveaways undermines these objectives and perpetuates profit-driven restrictions inconsistent with the spirit of social equity and cannabis normalization. **Please provide clarification on the health or safety issue regarding allowing sample giveaways to industry purchasers at retail locations but not consumer purchasers at event locations.** A reasonable compromise would be to allow limited giveaways capped at a small amount, such as ½ gram, to balance public safety concerns with the needs of small and legacy producers to engage consumers and promote their products effectively.

(8) Under no circumstances shall permittees or authorized licensees participating in a cannabis showcase event accept as a form of payment or remuneration for any sale federal
Supplemental Nutrition Assistance Program (SNAP) Electronic Benefit Card (EBT) payment or

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) EBT payment.
(9) Permittees or authorized licensees participating in a cannabis showcase event located
at a farmers' market or public market shall be prohibited from participating in the Department of
Agriculture and Markets' Farmers' Market Nutrition Program and receiving any such benefits
entitled thereto, in relation to approved inventory for sale, pursuant to subdivision (h) of this
section.

*[**Strike:** ~~(e) Sales and Inventory Reporting. A permittee that conducts a cannabis showcase event shall:~~*
~~13~~
~~(1) comply with all cannabis product sales transactions requirements of their license pursuant to subdivision (f) of section 123.10 of this Chapter;~~
~~(2) submit sales and inventory reports to the office in a form and manner as determined by~~
~~the office; and~~
~~(3) comply with all requirements of Article 20-C of the Tax Law.~~
~~(f) Staffing.~~
~~(1) Authorized employees of permittees and authorized licensees must be at least 21 years~~
~~of age or older.~~

Rationale: Suggest striking because it is redundant with same provisions already spelled out above.

(2) The lead contact and employee in charge of sales may be the same person.

Note: This will cause each micro to be the lead person when you justly open this up to micro participation

(3) The permittee, through its lead contact, shall be responsible for ensuring that:
(i) the cannabis showcase event sales area is secure at all times throughout the entirety of
the authorized permit time; and
*[**Strike:** ~~(ii) entry to the cannabis showcase event sales area is limited to individuals 21 years of~~*
~~age or older during operating hours.~~]

Rationale: Redundant with above -stated twice above already

(4) The permittee, through its employee in charge of sales, shall be responsible for:
(i) supervising the cannabis showcase event sales area, including ensuring no person under
the age of 21 or any visibly intoxicated person purchases adult-use cannabis products; and
(ii) making certain public health and other educational materials provided or required by the office is available in the cannabis showcase event sales area.
(5) all authorized employees participating in a cannabis showcase event shall be employed
by the permittee or licensee.
(i) persons contracted with a permittee or licensee are permitted to participate in an event

pursuant to section 124.5 in this chapter.
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(g) Approved Inventory for Sale by Permittees and Authorized Licensees.
(1) The permittee may offer the following items for retail sale at a cannabis showcase event:
(i) adult-use cannabis products;
(ii) adult-use cannabis clones, seedlings, immature cannabis plants, cloned propagation material, or tissue culture for personal home cultivation purposes pursuant to Part 115 of this
Chapter, provided that: the permittee is an adult-use cannabis retailer authorized by the office to
sell cannabis clones, seedlings, immature cannabis plants, cloned propagation material, or tissue
culture, to consumers for personal home cultivation; and the permittee possesses a Nursery Dealer
Certificate of Registration from the Department of Agriculture and Markets Division of Plant
Industry;
(iii) cannabinoid hemp products, provided that the permittee has a cannabinoid hemp retail
license or cannabinoid hemp temporary retail permit to sell such products;
(iv) cannabis merchandise, including cannabis merchandise containing the permittee's brand;
(v) cannabis paraphernalia;
[add: (Vi) branded merchandise];
([add: vii) any lawful product available for sale; and

Rationale: for reasons already stated above, no justification to prohibit it. **Please clarify the rationale and regulatory need to dictate what ancillary products a business can sell?**

(vi) other items as approved by the office.
(2) Authorized licensees may offer the following items at a cannabis showcase event for retail sale:
(i) cannabis merchandise, including cannabis merchandise containing the authorized licensee's brand;
(ii) cannabis paraphernalia; and
(iii) other items as approved by the office.
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(3) Notwithstanding paragraphs (1) and (2) of this subdivision, permittees and authorized
licensees may not offer for sale or provide the following items at a cannabis showcase event:
(i) tobacco or products which contain tobacco or nicotine;

(ii) alcohol or alcoholic beverages, as defined in section 3 of the Alcoholic Beverage Control Law;

***[*Strike:** ~~*(iii) any items that are commonly associated with or marketed in a manner so as to be attractive to persons under the age of 21 including, but not limited to, candy, toys, and games;]*~~*

Rationale:

This provision is unnecessary and ambiguous. The regulation fails to clearly define what constitutes "attractive to persons under 21," and it is unclear on what evidence or basis the Office presumes that certain products such as candy, toys, or games inherently appeal only to those under 21. Adults over the age of 21 also find such items attractive and indulge in such items, and there is no rationale to restrict these products categorically based on assumptions about age-based preferences.

Moreover, the event area is already required to be secured and restricted to individuals 21 years of age or older. This existing control sufficiently prevents underage access. Therefore, additional prohibitions based on the perceived attractiveness of items are overly prescriptive, redundant, ambiguous, and not supported by clear evidence.

[Strike: ~~*(iv) apparel or merchandise, including jewelry or other accessories, that reference another brand or brands other than the permittee's and the authorized licensee's; and]*~~

Rationale:
The basis for this rule is unclear and requires clarification. It is not evident why a cannabis retailer or licensee should be prohibited from carrying ancillary merchandise such as jewelry or other cannabis-related or non-cannabis related products at offsite events. There appears to be no public health, safety, or consumer protection rationale supporting this restriction. **Please clarify the justification for such a restriction.**

Absent a clear justification grounded in risk mitigation or regulatory necessity, this limitation seems arbitrary and unnecessarily restrictive, potentially hindering business opportunities and customer experience without serving a meaningful regulatory purpose.

(v) other items disapproved by the office.
(4) Notwithstanding paragraphs (1) and (2) of this subdivision, permittees and authorized licensees may not offer for sale or remuneration to consumers at a cannabis showcase event any

adult-use cannabis product sample.
*[**Strike:** ~~(5) The permittee shall acquire adult-use cannabis products for consumer sale at a cannabis showcase event from any licensee authorized for the distribution of such cannabis products and the permittee shall obtain the cannabis products at the licensed premises of such permittee.~~]*

*[**Replace with**: (5)The permittee shall acquire adult-use cannabis products for consumer sale at a cannabis showcase event from licensed cannabis businesses authorized for distribution or production of such products. Permittee may obtain these products directly from their licensed premises or through authorized distribution channels, provided all products comply with applicable licensing and tracking requirements.]*

Rationale:
Paragraph (5) requires permittees to acquire cannabis products for sale only from licensees authorized for distribution and to obtain products at the licensed premises of the permittee. This provision is unnecessarily restrictive and may create logistical and economic burdens, especially for vertically integrated microbusinesses and small cultivators who grow, process, and manufacture their own products. It effectively limits direct sales and product showcasing opportunities, undermining the purpose of the event permits. Individual licensees with the ability to transport their products should be able to transport their products to the event. **Requiring otherwise only imposes burdensome and unnecessary rules without a regulatory need.**

(h) Approved Showcase Items.
(1) A permittee or authorized licensees may showcase the following at a cannabis showcase event:
(i) adult-use cannabis products;
*(ii) adult-use cannabis clones, seedlings, immature cannabis plants, cloned propagation material, or tissue culture for personal home cultivation purposes pursuant to Part 115 of this Chapter, provided that: the permittee showcasing is an adult-use cannabis retailer **[add:** or microbusiness] authorized by*
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*the office to sell cannabis clones, seedlings, immature cannabis plants, cloned propagation material, or tissue culture, to consumers for personal home cultivation; and that such adult-use cannabis retailer possesses **[add:** or microbusiness] a Nursery Dealer Certificate of Registration from the Department of*

Agriculture and Markets Division of Plant Industry;
(iii) cannabinoid hemp products, provided that the permittee or authorized licensee has been granted a cannabinoid hemp retail license, cannabinoid hemp temporary retail permit,
cannabinoid hemp farm processor license, or cannabinoid hemp processor license, as applicable
to sell such products;
(iv) cannabis merchandise, including cannabis merchandise containing the permittee's or
*authorized licensee's brand**, [add:** other branded merchandise] where applicable;*
(v) cannabis paraphernalia; and
(vi) other items as approved by the office.

Rationale: if the licensee can sell paraphernalia manufactured by other brands what is the justification to deny them to sell other branded merchandise?

*[**Strike:** ~~(2) A permittees or authorized licensee may not showcase the following at a cannabis~~*
~~showcase event:~~
~~(i) tobacco or products which contain tobacco or nicotine;~~
~~(ii) alcohol or alcoholic beverages, as defined in section 3 of the Alcoholic Beverage Control Law;~~
~~(iii) any items that are commonly associated with or marketed in a manner so as to be attractive to persons under the age of 21 including, but not limited to, candy, toys, and games;~~
~~(iv) apparel or merchandise, including jewelry or other accessories, that reference another~~
~~brand or brands other than the permittee's and the authorized licensee's particular brand; and~~
~~(v) other items disapproved by the office.~~
~~(i) Storage and Security.~~
~~17~~
~~(1) The permittee shall ensure the cannabis showcase event sales area and the event area~~
~~remain secure from theft, unauthorized intrusion, and vandalism throughout the entirety of the]~~

Request clarification: how is this different than what is already stated above. It appears redundant and thus suggest striking the duplicate language.

authorized permit time. Permittees may hire private security personnel to assist in securing the
event sales area and event area.

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(2) The permittee shall prohibit consumers from having direct access to cannabis products
while within the cannabis showcase event area unless they are inspecting samples with the
assistance of authorized employees of the permittee and authorized licensees, if applicable.

***[Strike**: ~~Cannabis products may be displayed or showcased to consumers only if they are locked behind a~~*
~~counter or other barrier.~~]

Rationale: Same as above, also suggest striking because it is redundant with above. This requirement to lock up cannabis products at showcase events is redundant and unnecessary. Locking up product and preventing customers from smelling or viewing flower is not a requirement at dispensaries. If the event area is properly secured with gated access to restrict access to individuals 21 and older, additional mandates to lock up product create an undue bureaucratic burden without clear justification. Such prescriptive requirements add operational complexity and costs to the licensee without demonstrable benefits to public safety or compliance and serves only to perpetuate stigmas surrounding cannabis. It is a flower, not a firearm.

We recommend striking this provision to streamline regulations and align event requirements more closely with existing standards.

*(3) Authorized licensees may utilize product displays or other branded elements to advertise the product **[strike:** ~~within such locked counters or barriers~~] However, such product displays or*

Rationale: same as above

other branded elements must comply with the restrictions on marketing and advertising in Parts
128 and 129 of this Chapter.
(4) Products not intended for display must be secured in an area that is: only accessible to authorized employees, not visible to consumers and is suitable to the product being stored.
(5) Cash must be kept locked and secure. No cash shall be left unattended or overnight at
a cannabis showcase event.
*(j) Permittees and authorized licensees **[add:** and educational and other third parties stakeholders] may, in addition to selling and showcasing cannabis and*
cannabis products at a cannabis showcase event, and dependent on the scope of their license,

demonstrate and exhibit:
(1) presentations related to the licensed cultivation of cannabis;
(2) presentations related to the licensed processing of cannabis;
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(3) instructional presentations related to the personal cultivation of cannabis,
***[add:** (4) and any other educational topic]* *pursuant to*

Part 115 of this Chapter, provided, however, ***[Strike:*** ~~*such presentations shall only utilize immature*~~
~~*cannabis plants, and such plants shall not be planted on-site of the event for cultivation purposes;*~~
~~*provided, however, such cultivation may be authorized if the event location site is a licensed*~~
~~*cultivation premises and the persons performing such demonstration or cultivation are the licensed*~~
~~*cultivator or the employees of a licensed cultivator authorized licensee listed on the permittee's*~~
~~*application for such event;]*~~

Rationale:
The restriction limiting educational and demonstration presentations to licensees is unnecessarily narrow and counterproductive to the broader goals of public education, responsible consumption, and cannabis destigmatization. The regulation, as drafted, excludes a wide range of qualified stakeholders, many of whom are best positioned to deliver meaningful education to consumers and the broader public.

Educational presentations at cannabis events should explicitly allow participation from non-licensee experts, including but not limited to:

- Trade associations and academic institutions
- Nonprofit and advocacy organizations
- Scientists, educators, and professionals in plant science, environmental health, public health, and policy
- Community leaders with lived experience in legacy and justice-impacted cannabis economies

Restricting presentations to licensees hinders the development of an informed cannabis culture, limits the diversity of educational content, and underutilizes critical expertise. Most licensees are not trained educators, and many are too occupied with

business operations during events to deliver effective programming. It is illogical to expect education to be robust if limited to a subset of stakeholders who are neither equipped nor available to lead it.

Moreover, the language's restriction on the display of flowering plants reinforces outdated stigmas by treating cannabis as inherently hazardous or inappropriate for public demonstration. This approach contradicts the state's goals of normalization, equity, and transparency. We strongly recommend amending the rule to explicitly allow secured displays of cannabis plants, including flowering plants and live, soil-based educational installations, particularly when used to demonstrate regenerative, environmental, or agricultural practices.

We urge the Office to revise the regulation to:

1. Permit educational and advocacy content from qualified non-licensee entities.
2. Allow broader subject matter including science, social equity, environmental cultivation, and public health.
3. Enable secured visual displays of living or flowering plants as part of the educational component of events.

Restricting this level of engagement is not only unnecessary, it is inconsistent with the MRTA's emphasis on public education, inclusion, and equity. This provision should be broadened significantly to support a mature and informed cannabis ecosystem in New York. **Please clarify what is the justification for this restriction?**

(4) instructional presentations related to the production and creation of cannabis flower products, provided however, such products may not be consumed, sold, or given away at such
event by or to any person;
(5) instructional presentations related to the infusion of cannabis into food, beverages, or
other consumables, provided, however, such cannabis-infused items may not be consumed, sold,
or given away at such event by or to any person; and
(6) any other similar educational activities which the office may authorize on the permittee's application.
(k) Cleaning, Sanitization, and Cannabis Disposal.
(1) The permittee and the authorized licensee, where applicable, are responsible for the

upkeep and maintenance of all facilities, containers, tools, contact surfaces, and equipment used
during the event in the sale, showcasing, and presentation of cannabis products.
(2) Cleaning and sanitizing shall be performed as frequently as necessary to maintain all
facilities, areas, containers, tools, contact surfaces, and equipment in a clean and sanitary condition
using a sanitizing agent registered by the U.S. Environmental Protection Agency (EPA) in
accordance with labeled instructions.
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(3) The permittee and authorized licensees are required to comply with the standard cannabis waste and disposal rules set forth in section 125.11 of this Chapter.
(l) Incident Reporting.
(1) The permittee shall notify the office in a manner prescribed by the office, of any breach
of security or other incident within 24 hours of the discovery of the security breach or incident.
(2) Notification to the office shall be provided for the following incidents:
(i) discovery of cannabis inventory discrepancies;
(ii) diversion, theft, or loss of any cannabis or cannabis product;
(iii) any criminal action involving or occurring on or in cannabis showcase event area;
(iv) any suspicious act involving the showcasing or sale of cannabis or cannabis products
by any person or entity;
(v) unauthorized destruction of cannabis or cannabis products;
(vi) any loss or unauthorized alteration of records related to cannabis or cannabis products;
(vii) any incident that requires response by public safety personnel, including, but not limited to: law enforcement, fire department, emergency medical services, public works or
municipal sanitation departments, municipal inspection services departments, or security staff
privately engaged by the permittee;
(viii) a motor vehicle crash that occurs while transporting or delivering cannabis products
to and/or from a cannabis showcase event that would require the filing of an accident report with
the Department of Motor Vehicles;
(ix) any other breach of security; and
(x) any other incident that may compromise public health and/or safety including the health
and safety of the workforce at the cannabis showcase event;
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(3) The permittee shall, within 10 calendar days of any incident in paragraph 1 of this subdivision, submit an incident report in a form and manner determined by the office which details
the circumstances of the incident, any corrective action taken, and confirmation that the appropriate authorities were notified.
(3) All documentation related to such an incident shall be maintained by the permittee for
not less than five years or the duration of an open investigation into such incident, whichever is
longer, and made available to the office and appropriate authorities upon request.
§ 117.4 Cannabis Showcase Event Permit Limitations.
(a) A permittee shall not allow the on-site consumption of cannabis and cannabis products in a
cannabis showcase event area by any person, including the combustion, consumption, application,
or any other kind of ingestion of cannabis and cannabis products, including by permittees,
authorized licensees, vendors, and their staff.
(b) The permittee shall post, visible to consumers, conspicuous signage in the sales area stating:
"ON-SITE CONSUMPTION OF CANNABIS PRODUCTS IS ***[STRIKE:*** ~~*PROHIBITED*~~ *[****ADD:*** *PERMITTED IN AREAS WHERE CANNABIS CONSUMPTION IS LAWFULLY ALLOWED]".*

Rationale: NYSF is concerned that the proposed restriction on on-site consumption directly conflicts with New York State law. Under the Marihuana Regulation and Taxation Act (MRTA § 126), adult-use cannabis consumption is legal in any location where tobacco smoking is permitted, except in motor vehicles. The Office of Cannabis Management (OCM) lacks statutory authority to prohibit lawful consumption at private or open-air events solely because cannabis sales are occurring.
This restriction would unlawfully limit the rights of New Yorkers and creates an arbitrary barrier that disproportionately affects small, craft, and microbusiness operators, who rely on event-based engagement with consumers to promote their products and compete with larger operators.

NYSF respectfully requests that OCM clarify the legal basis for this limitation and the authority granted to OCM to undermine rights expressly protected by State Law. Recommend: OCM revise the regulations to ensure that permittees can allow on-site consumption in accordance with state law.

The permittee
shall also post such signage throughout the event area.
(c) A cannabis showcase event permit shall not be required in the following circumstances:

(1) a function such as a cannabis trade show, conference, industry networking event, or exhibition where there are no cannabis or cannabis product sales either direct or indirect or
giveaways taking place; or
(2) a function where such licensees, persons, and entities may submit a request to the office
for review of such function's parameters and operations.
§ 117.5 Cannabis Showcase Event Vendors.
21
***([Strike**: ~~a) A permittee may contract with vendors to sell and serve food and non-alcoholic beverages at a cannabis showcase event to consumers attending such event, provided, however, that the permittee shall require such vendors to hold an active temporary food service permit to operate from the appropriate health authority within this state, or a license issued by the Department of Agriculture and Markets, pursuant to Article 20-C of the Agriculture and Markets Law. The permittee shall require food vendors to comply with the requirements of Title 8 of Article 13 of the Public Health Law and Article 20-C of the Agriculture and Markets Law, as applicable, and any rules and regulations promulgated thereto.~~]*

*[**Replace with:** "A permittee may contract with vendors to sell and serve food and non-alcoholic beverages at a cannabis showcase event to consumers attending such event, provided, however, that the permittee shall make a good faith effort to ensure such vendors possess a valid temporary food service permit from the appropriate health authority or license from the Department of Agriculture. The Office shall not hold the permittee liable for a vendor's misrepresentation of such licensure."]*

Rationale:

While we are in agreement food vendors should be licensed and comply with all laws, by stating it in these provisions the way that it currently reads, the burden of proof and compliance for that food vendor is on the licensee/permittee.

The current provisions **Shifts liability unfairly from regulators to business owners.**

Discourages partnerships with food vendors, especially small or local ones, out of fear of noncompliance risk.

Creates a chilling effect on event hosting by adding legal uncertainty for cannabis licensees and permittees.

Inconsistent standard: Many other industries or events (e.g., fairs, markets, festivals) do not place this burden on the event organizer in such a prescriptive way.

The suggested reword we offer above makes clear the **burden of compliance remains on the food vendor**, not the cannabis operator, and that **OCM's enforcement should be directed appropriately**.

*(b) A permittee may contract [**Strike:** ~~with musical acts, musicians, or disc jockeys to play music at a popup cannabis showcase event. Recorded music may also be played by the permittee or authorized licensees in partnership with the permittee.~~*
*(c) ~~A permittee may contract with~~] [**Add:** other] vendors to [**add:** participate at the permitted event in accordance with the provisions of this chapter] ~~demonstrate and/or perform educational demonstrations and exhibitions, including, but not limited to:~~*
*~~(1) holistic lifestyle approaches, such as yoga, massage therapy, meditation, and skincare services.~~] The permittee shall **[strike:** ~~require~~] [**add:** make a good faith effort to ensure such vendors possess a valid ~~that a vendor contracted to perform such holistic lifestyle demonstrations or exhibitions be~~ license~~d~~ or [**Strike:** ~~registered [~~**add**~~: registration)~~~~,~~ if applicable, with the appropriate New York State agency;*

Rationale: same comments as above

*~~[**Strike:** (2) arts and crafts demonstrations and activities, such as painting, pottery, fiber arts, and paper crafts;~~*
~~(3) culinary demonstrations which include food, non-alcoholic beverages, or other consumables;~~
~~(4) book or literary presentations or exhibitions; and~~
~~(5) theatrical presentations or exhibitions.]~~
~~22~~

Rationale:
It is unnecessary, overly prescriptive, and potentially limiting for the Office to enumerate what types of vendors or ancillary activities are permitted at a cannabis showcase

event. As long as a vendor or activity is not expressly prohibited, such as the sale of alcohol, and is otherwise lawful in the State of New York, the determination of appropriate offerings should remain at the discretion of the licensee or permittee organizing the event.

Creating a regulatory list of permissible vendors or activities risks unintentionally excluding legitimate business types or community-oriented programming, and can quickly become outdated or burdensome to update. It also undermines the flexibility and innovation that are critical for small businesses and culturally relevant events to succeed.

We strongly suggest striking any language that prescribes or restricts the types of vendors or services beyond what is necessary to protect public health and safety.

(d) The permittee shall require that all food vendors and their employees or staff participating in
or working at a cannabis showcase event must be 21 years of age or older;
[Strike: *~~(e) The permittee shall require all vendors to obtain any other business permits or licenses required by the local municipality the event is located in, unless such permits or licenses are otherwise arranged by the permittee.]~~*

Rationale:
We recommend striking the following language, as it improperly shifts the responsibility of regulatory enforcement from the appropriate municipal or state authorities to the permittee:

It is not the role of the permittee to enforce or verify local licensing or permitting requirements for third-party vendors. That responsibility properly rests with the local municipality or state agency charged with oversight. While permittees can and often will encourage compliance, mandating this as a legal responsibility imposes an unreasonable burden and potential liability on small businesses and event organizers who are not qualified or empowered to interpret or enforce local laws.

This language invites inconsistent implementation, places undue risk on permittees, and creates unnecessary barriers to entry for those hosting compliant cannabis events.

~~[Strike:~~ *~~(f) The permittee shall not allow a vendor to:~~*
~~(i) engage in direct or indirect cannabis retail sales;~~

~~*(ii) infuse cannabis or phytocannabinoids into any food, beverages, other consumables, or topicals, and sell, serve, or apply such items for consumption or use;*~~

~~*(iii) sell any tobacco product or product which contains tobacco or nicotine;*~~

~~*(iv) sell or serve alcohol or alcoholic beverages, as defined in section 3 of the Alcoholic Beverage Control Law;*~~

~~*(v) participate in or authorize any conduct prohibited by subdivisions 6, 6-b, 6-c, or 7 of section 106 of the Alcoholic Beverage Control Law; and*~~

~~*(vi) any other activities disapproved by the office.*~~

~~*(g) The permittee shall keep a record of any agreements or contracts entered with any vendors for a cannabis showcase event, including copies of any local permits or authorizations such permittee may have obtained for such vendors under subdivision (e) of this section, for a period of five years and make it available for inspection by the office upon request.]*~~

Rationale:
We respectfully suggest striking or significantly revising subsections (f) and (g) as they improperly shift the burden of regulatory enforcement from state and municipal authorities onto permittees, creating unnecessary legal risk and administrative burden for small operators and event organizers.

Subsection (f):
While we agree that the prohibited activities listed, such as, unlicensed cannabis sales, tobacco and alcohol sales, or the unauthorized infusion of cannabinoids, should not be permitted at cannabis showcase events, the responsibility for enforcement and oversight should lie with the Office or local regulators, not individual permittees.

Most permittees are small businesses or individual license holders who do not possess the legal expertise, enforcement authority, or resources to police the conduct of third-party vendors or interpret overlapping areas of cannabis, food, tobacco, and alcohol law. Assigning this responsibility to permittees creates significant and unreasonable liability, and may discourage participation by those without access to legal or compliance teams, thus hindering equitable access to the market.

Subsection (g):
Similarly, requiring permittees to obtain, store, and produce local permits or vendor documentation on demand for up to five years places an undue recordkeeping burden on small operators and is redundant with the role of local municipalities and the Office. If the Office requires documentation of third-party vendor compliance, it should obtain it directly from those vendors or through municipal coordination.

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These provisions collectively create unnecessary barriers to permitting, and reflect an overreach in regulatory design that shifts compliance burdens away from government and onto under-resourced stakeholders.

We recommend either:

- striking (f) and (g) in full, or amended as indicated below

Permittees should not be held strictly liable for the independent

actions or

misrepresentations of third-party vendors. We recommend that the regulation be revised to reflect:

[**Add:** "The permittee shall make reasonable, good-faith efforts to ensure that all vendors operating at a cannabis showcase event are in compliance with applicable state and local laws, including by requesting self-certification or appropriate documentation. However, vendors shall be individually responsible for obtaining any necessary permits or licenses and for ensuring their own legal compliance.]

While it is appropriate for the Office to set standards for the types of activities and goods that may or may not be offered at a cannabis showcase event, the responsibility for ensuring that vendors are in compliance with applicable laws and regulations should rest with the vendors themselves and enforced by the municipality or State regulator, not the cannabis licensee.

The permittee should not be held strictly liable for violations committed by independent vendors, provided the permittee did not knowingly permit such violations and took reasonable steps to vet vendor compliance.

§ 117.6 Severability.
If any provision of this Part or its application to any particular person or circumstance is held invalid, the remainder of this Part and its application to other persons and circumstances
shall not be affected thereby.