



August 27, 2021

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

RE: Implementation of the Adult-Use Cannabis Law

Dear Governor Hochul,

Congratulations on assuming the Governorship of New York State! The New York State Public Health Association (NYSPHA) is the New York State affiliate of the American Public Health Association (APHA) and serves as the statewide organization for members from all disciplines across the spectrum of public health professionals and organizations. Our mission is to improve the public's health through advocacy, education, networking, and professional development.

We are writing today specifically on a time sensitive matter to provide input into the implementation of the State's Adult-Use Cannabis Law. There is considerable public health infrastructure to be created in preparation for legal cannabis availability. As the American Public Health Association has suggested, a public health system must be developed to:

- Provide protection to children and youth and other vulnerable and marginalized populations through careful regulation of:
 - (1) the availability of and access to cannabis products;
 - (2) advertising and marketing;
 - (3) product potency, form, and characteristics; and
 - (4) packaging and labeling.

- Minimize harm to the public through:
 - (1) effective prevention education,
 - (2) protection of clean indoor air,
 - (3) prevention of impaired driving,
 - (4) adoption of policies to promote and protect health equity, and
 - (5) investment in public health and safety programs

- Monitor patterns of cannabis use and related public health and safety outcomes through:
 - (1) population-based surveys,
 - (2) syndromic surveillance, and
 - (3) other data sources. (*American Public Health Association: A Public Health Approach to Regulating Commercially Legalized Cannabis*. Approved October 24, 2020. APHA Policy # 20206).

Additional concerns include:

- Product safety (such as testing and regulation of contaminants, mold, fungus, bacteria, pesticides, etc.)
- The need to monitor for overdose, poisoning (particularly in children), and Cannabinoid Hyperemesis Syndrome
- The need to mitigate harms associated with cannabis cultivation contamination, including impacts on drinking water, air quality, wildlife, food security, and energy usage related to goals established in New York's Climate Leadership and Community Protection Act.

More recent literature published since APHA's policy statement highlights the concentration effects of dispensaries in underserved neighborhoods, significant increases in automobile crashes and adolescents with diagnosable substance use disorders in other jurisdictions that have legalized cannabis.

There are serious health and cost implications for how cannabis will become legally available in NY. Public concerns related to industry influence and government agency capture will loom large for the Office of Cannabis Management. Indeed, as reported in Forbes and other sources, there is strong evidence of an uptick in alcohol and tobacco industry acquisition of cannabis businesses and an overall expansion of cannabis firms.

Under the law, the five members appointed to the NYS Cannabis Control Board (CCB) will set the comprehensive regulatory framework (social justice, public health, economic) for cannabis availability in NY. The three-member majority that you will appoint to the CCB, the Executive Director of the Office of Cannabis Management (OCM), and the seven members of the Advisory Board that you appoint will likely set the conditions for how the legal cannabis industry impacts the health, safety, and economic conditions of New Yorkers.

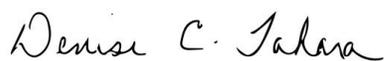
In light of these considerations, NYSPHA recommends:

1. At least one of your three appointees to the CCB be a public health professional with experience in substance use prevention and treatment policy, practice, and research.
2. The Director and staff of the OCM possess expertise in substance use prevention and treatment.
3. At least two of your seven appointees to the Advisory Board reflect public health expertise.
4. That the language in the “Marijuana Regulation and Taxation Act” that proscribes restrictions relative to association with and influence by industry be used as an ethical floor and not a ceiling. NYSPHA recommends that the CCB, OCM and Advisory Board members comply with strict ethical procedures and regulations like those established for Cannabis Commissioners in Massachusetts. (e.g., Section: K <https://malegislature.gov/laws/sessionlaws/acts/2017/chapter55>).

It is not often that a Governor presides over the introduction of a “new” industry. The NYS Office of Cannabis Management has an opportunity to implement valuable lessons already learned from other state related to health, equity, and prevention, but members of the CCB and others appointed by you must include leadership that can protect the public’s health. Industry representation on the board will not fulfill that mission. Experienced public health practitioners will. As lawsuits against Big Tobacco and more recently the opioid pharmaceuticals have demonstrated, industry will always maximize profit over health. If we can answer any questions, please email us at advocacy@nyspha.org.

NYSPHA is grateful for your attention to these concerns. We look forward to working with your administration on a broad range of issues to improve the health of all New Yorkers.

Sincerely,



Denise C. Tahara
President, NYSPHA

cc.

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