



Public Comments 101 & Legal Details:

Public input is an important part of the law-making process, allowing everyone, not just lawmakers, the opportunity to participate in the drafting and refining of laws. Comments allow the public to give more insight into the impact of a proposal and voice any concerns or suggestions that lawmakers didn't consider while drafting regulations.

Any person, group, or organization with a legitimate interest can make a public comment. Comments may be submitted anonymously or by a third person, such as a friend, organization, group, or a representative like a lawyer or an advocate.

The regulatory process that the Office of Cannabis Management (OCM) is currently undergoing in the State of New York is governed primarily by Article 2 of the State Administrative Procedure Act (SAPA). This means the OCM is obligated to allow public comments and take into consideration any comments received when writing the final regulations.

All proposed regulations, amendments, and significant revisions to proposed rules and amendments are required to be published in the state register in order to allow for public input to the rule making process. The public is allowed a 60-day comment period from the date the proposed regulations are published in the register.

Any member of the public is allowed to submit comments via electronic or postal mail. Comments that include full name and address or at minimum full name and zip code of the member of the public that is submitting the comment are recommended for maximum impact. Once the comment period closes, the OCM will review all comments that were submitted by the deadline. After reviewing the comments made by the public, the OCM may revise the proposed rule in order to reflect the public input. If the revisions are substantive in nature or constitute a significant change to the originally published proposed rule, the OCM will then publish the revised proposed rule in the state register. The public is then allowed an additional 45 days from the date the revised proposed rules are published in order to review and comment on the revised proposed rule.

If the OCM does not receive any comments or if the comments received do not trigger the need for substantive and significant revisions, proposed rules may move to final rule after the end of the 60 day comment period. There is no time limit for which the OCM is required to respond to the public comment from the 60 or 45 day comment period and the time it takes OCM to either revise or publish final rule is dependent on the number of comments received and the time it takes OCM to review the comments.

Reviewing The Proposed Regulations Document

Before you can write an effective comment, you should be familiar with the proposed regulations.

- Read the document and take notes. You may want to focus on particular sections and skim others.
- Review your notes to help identify any concerns in the document that you would like to comment on.
- Check out NYCUC's summaries of proposed regulations available at nycannabisunited.com

Organizing your Comment

Please remember that the person responsible for reviewing your comment may have hundreds or thousands of other comments to read. To get your message across, it helps to frame your comment in a clear, concise, and convincing manner.

- If you have more than one major concern, open your comment with a summary section and outline them before you include details.
- Use headings and sub-headings to separate your points. Highlight your headings with spacing, color, capital letters, or bold, italic, or underlined font.

Following Up On Your Comment

If you want to increase the likelihood that your comment is addressed, you may want to follow up after you've submitted it. Some follow-up options include: speaking at a public meeting or hearing; rallying support for your position among agencies or citizen groups; meeting with an official decisionmaker; and going to the press.

Sources For this Tip Sheet and Further Resources

- publiccommentproject.org/how-to
- epa.gov/superfund/public-comment-process
- boundless.com/immigration-resources/how-to-submit-public-comment/

Questions Or Comments Should Be Directed To

OCM: By email: regulations@ocm.ny.gov

By mail: [New York State Office of Cannabis Management, PO Box 2071, Albany, NY 12220](#)
General questions regarding the Office of Cannabis Management: call 1-888-626-5151
or email info@ocm.ny.gov

For the medical cannabis program, call [844-863-9312](tel:844-863-9312) or email medical@ocm.ny.gov

For the cannabinoid hemp program, call [866-697-4367](tel:866-697-4367) or email hemp@ocm.ny.gov