

STATE OF NEW YORK

4618--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 17, 2023

Introduced by M. of A. PEOPLES-STOKES, LUPARDO -- read once and referred to the Committee on Codes -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the cannabis law, the penal law, and the criminal procedure law, in relation to unlawful possession and sale of cannabis

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The opening paragraph of subdivision 4 of section 132 of
2 the cannabis law is amended to read as follows:

3 Any person under the age of twenty-one found to be in possession of
4 three ounces or less of cannabis or cannabis products who is not a
5 certified patient pursuant to article three of this chapter shall be in
6 violation of this chapter and shall be subject to the following penalty:

7 § 2. Paragraph (d) of subdivision 3 of section 222.05 of the penal
8 law, as added by chapter 92 of the laws of 2021, is amended to read as
9 follows:

10 (d) the possession of multiple containers of cannabis or concentrated
11 cannabis without evidence of [~~concentrated cannabis~~] possession in more
12 than the amounts authorized in this article;

13 § 3. Subdivision 2 of section 222.50 of the penal law, as added by
14 chapter 92 of the laws of 2021, is amended to read as follows:

15 2. being twenty-one years of age or older, he or she knowingly and
16 unlawfully sells or gives, or causes to be given or sold, cannabis or
17 concentrated cannabis to [~~a~~] another person and that person is less than
18 twenty-one years of age; except that in any prosecution under this
19 subdivision, it is a defense that the defendant was less than three
20 years older than the person under the age of twenty-one at the time of
21 the offense. This subdivision shall not apply to designated caregivers,
22 practitioners, employees of a registered organization or employees of a

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

LBD07443-02-3

1 designated caregiver facility acting in compliance with article three of
2 the cannabis law.

3 § 4. Subparagraph (ii) of paragraph (b) of subdivision 2 of section
4 440.46-a of the criminal procedure law, as added by chapter 92 of the
5 laws of 2021, is amended to read as follows:

6 (ii) If the petition meets the criteria in subparagraph [~~i~~] (ii) of
7 paragraph (a) of this subdivision, the court after affording the parties
8 an opportunity to be heard and present evidence, may substitute, unless
9 it is not in the interests of justice to do so, a conviction for an
10 appropriate lesser offense under article two hundred twenty-two of the
11 penal law.

12 § 5. This act shall take effect immediately and shall be deemed to
13 have been in full force and effect on and after March 31, 2021.