

STATE OF NEW YORK

5129

2025-2026 Regular Sessions

IN ASSEMBLY

February 12, 2025

Introduced by M. of A. O'PHARROW -- read once and referred to the
Committee on Economic Development

AN ACT to amend the cannabis law, in relation to prohibiting any person
or applicant from receiving a license from the office of cannabis
management in certain circumstances

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

1 Section 1. Section 16 of the cannabis law is amended by adding a new
2 subdivision 8 to read as follows:

3 8. The board or the office shall deem any applicant, as defined in
4 subdivision one of section three of this chapter, who is found in
5 violation of subdivision five of section one hundred thirty-six of this
6 chapter, to be ineligible to receive a license as defined in subdivision
7 thirty-one of section three of this chapter.

8 § 2. The opening paragraph of paragraph (a) of subdivision 1 of
9 section 132 of the cannabis law, as amended by section 13 of part G of
10 chapter 55 of the laws of 2024, is amended to read as follows:

11 Any person or applicant as defined in subdivision one of section three
12 of this chapter who cultivates for sale, offers to sell, or sells
13 cannabis, cannabis products, medical cannabis, or any product marketed
14 or labeled as such, without having an appropriate registration, license
15 or permit therefor, including a person whose registration, license, or
16 permit has been revoked, surrendered or cancelled, where such person is
17 engaging in activity for which a license would be required under this
18 chapter, may be subject to a civil penalty of not more than ten thousand
19 dollars for each day during which such violation continues, shall be
20 deemed ineligible to receive or renew a license as defined in subdivi-
21 sion thirty-one of section three of this chapter, and an additional
22 civil penalty in an amount of no more than five times the revenue from
23 such prohibited sales or, in an amount of no more than three times the
24 projected revenue for any such product found in the possession of such

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

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1 person based on the retail list price of such products; provided, howev-
2 er, that any such person who engages in such activity from a residence
3 or other real property not otherwise held out as open to the public or
4 otherwise being utilized in a business or commercial manner or any
5 private vehicle on or about same such property, and the quantity of such
6 product on such premises or vehicle does not exceed the limits of
7 personal use under article two hundred twenty-two of the penal law, may
8 be subject to a civil penalty of no more than five thousand dollars.

9 § 3. Subdivisions 13 and 14 of section 138-a of the cannabis law, as
10 added by section 14 of part G of chapter 55 of the laws of 2024, are
11 amended and a new subdivision 15 is added to read as follows:

12 13. upon finding a violation of this section by a holder of a license
13 issued by the state liquor authority, a registration issued by the
14 commissioner of taxation and finance to sell cigarettes or tobacco
15 products at retail, a registration issued by the commissioner of taxa-
16 tion and finance to sell vapor products at retail, or a lottery sales
17 agent license issued by the division of lottery, (a) issue a notice of
18 violation to the holder or an agent thereof that clearly states (i) that
19 the holder's state licenses, permits, or registrations may be at risk of
20 revocation or suspension and (ii) that the holder's business premises
21 may be subject to an order to seal if upon a subsequent inspection the
22 office finds that the violation has not been abated, and (b) notify the
23 agency that issued the authorization that the holder is in violation of
24 this section; [~~and~~]

25 14. if any penalty is not paid within six months, enter the amount
26 thereof as a judgment in the office of the clerk of the county of Albany
27 and in any other county in which the person resides, has a place of
28 business, or through which it operates. If such judgment has not been
29 satisfied within thirty days thereafter, no license, registration, or
30 permit shall be issued by the board to such person for three years ther-
31 eafter[~~+~~]; and

32 15. refuse to grant or renew a license as defined in subdivision thir-
33 ty-one of section three of this chapter when a person or applicant is
34 found in violation of subdivision seven of section sixteen of this chap-
35 ter or the opening paragraph of subdivision one of section one hundred
36 thirty-two of this article or any other provisions of article six of
37 this chapter.

38 § 4. This act shall take effect immediately.