

STATE OF NEW YORK

8510

2025-2026 Regular Sessions

IN ASSEMBLY

May 20, 2025

Introduced by M. of A. K. BROWN -- read once and referred to the Committee on Economic Development

AN ACT to amend the cannabis law, in relation to prohibiting advertisements on television and radio of cannabis and cannabis products

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

- 1 Section 1. Subdivisions 2 and 4 of section 86 of the cannabis law are
2 amended to read as follows:
3 2. The board shall promulgate regulations for advertising and market-
4 ing content including but not limited to explicit rules prohibiting
5 advertising that:
6 (a) is false, deceptive, or misleading;
7 (b) promotes overconsumption;
8 (c) depicts consumption;
9 (d) is designed in any way to appeal to children or other minors;
10 (e) is within or is readily observed within five hundred feet of the
11 perimeter of a school grounds, playground, child day care providers,
12 public park, or library;
13 (f) is in public transit vehicles and stations;
14 (g) is in the form of an unsolicited internet pop-up;
15 (h) is on publicly owned or operated property;
16 (i) makes medical claims or promotes adult-use cannabis for a medical
17 or wellness purpose;
18 (j) promotes or implements discounts, coupons, or other means of sell-
19 ing adult-use cannabis products below market value or whose discount
20 would subvert local and state tax collections;
21 (k) is in the form of a billboard; ~~[or]~~
22 (l) is in the form of a television or radio advertisement; or
23 (m) fails to satisfy any other advertising or marketing rule or regu-
24 lations promulgated by the board related to marketing or advertising,
25 not inconsistent with this chapter.

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

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1 4. The board shall promulgate regulations requiring that:

2 (a) all advertisements and marketing accurately and legibly identify
3 the party or other business responsible for its content; and

4 (b) any [~~broadcast, cable, radio,~~] print and digital communications
5 advertisements only be placed where the audience is reasonably expected
6 to be twenty-one years of age or older, as determined by reliable,
7 up-to-date audience composition data. The burden of proving this
8 requirement lies with the party that has paid for or facilitated the
9 advertisement.

10 § 2. Section 132 of the cannabis law is amended by adding a new subdivi-
11 sion 9 to read as follows:

12 9. Any registered organization or licensee who violates paragraph (1)
13 of subdivision two of section eighty-six of this chapter may be assessed
14 a civil penalty of up to five thousand dollars for each violation of
15 such paragraph. Upon a conviction of a third violation of such para-
16 graph, such registered organization or licensee shall be subject to
17 registration or license revocation and denial of a future registration
18 or license applications. Prior to a registration or license being
19 revoked or a registration or license application being denied under this
20 subdivision, such registered organization or licensee shall be provided
21 with a written determination by the office regarding such revocation or
22 denial after notice and an opportunity to be heard.

23 § 3. The office of cannabis management shall promulgate rules and
24 regulations within thirty days of the effective date of this section to
25 effectuate the provisions of this act and to ensure registered organiza-
26 tions and licensees who violate paragraph (1) of subdivision 2 of
27 section 86 of the cannabis law are provided with notice, an opportunity
28 to be heard, and a written determination issued by the office of canna-
29 bis management prior to the revocation or denial of a registration or
30 license.

31 § 4. This act shall take effect immediately; provided, however,
32 sections one and two of this act shall take effect on the thirtieth day
33 after it shall have become a law. Effective immediately, the addition,
34 amendment and/or repeal of any rule or regulation necessary for the
35 implementation of this act on its effective date are authorized to be
36 made and completed on or before such effective date.