

6005

2013-2014 Regular Sessions

I N S E N A T E

December 11, 2013

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to the description of marihuana, and the growing of and use of marihuana by persons eighteen years of age or older; to amend the vehicle and traffic law, in relation to making technical changes regarding the definition of marihuana; to amend the penal law, in relation to the qualification of certain offenses involving marihuana and to exempt certain persons from prosecution for the use, consumption, display, production or distribution of marihuana; to amend the alcoholic beverage control law, in relation to providing for the licensure of persons authorized to produce, process and sell marihuana; to amend the tax law, in relation to providing for the levying of an excise tax on certain sales of marihuana; to amend the criminal procedure law, the civil practice law and rules, the general business law, the state finance law, the executive law, the penal law and the vehicle and traffic law, in relation to making conforming changes; to repeal sections 221.10, 221.25, 221.30, 221.50 and 221.55 of the penal law relating to the criminal possession and sale of marihuana; and to repeal paragraph (f) of subdivision 2 of section 850 of the general business law relating to drug related paraphernalia

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "marihuana
2 regulation and taxation act".
3 S 2. Legislative findings and intent. The legislature finds that
4 decades of arresting marihuana users has failed to prevent marihuana use
5 or prevent minors from accessing marihuana. Existing marihuana laws have
6 created a violent, illegal drug market that consumes millions of dollars
7 in criminal justice resources each year. Existing marihuana laws have
8 also disproportionately impacted African-American and Latino communi-

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

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ties. Regulating, controlling, and taxing marihuana like alcohol will save criminal justice resources, reduce violent crime, reduce racial disparities, and generate revenue.

Additionally, industrial hemp is produced in at least 30 nations and used to create thousands of products including paper, textiles, food oils, automotive parts, and personal care products. Hundreds of millions of dollars of industrial hemp products are sold in the United States each year.

The intent of this act is to regulate, control, and tax marihuana in a manner similar to alcohol, generate millions of dollars in new revenue, prevent access to marihuana by those under the age of eighteen years, reduce the illegal drug market and reduce violent crime, reduce the racially disparate impact of existing marihuana laws, allow industrial hemp to be farmed in New York state, and create new industries and increase employment.

Nothing in this act is intended to limit the authority of employers to enact and enforce policies pertaining to marihuana in the workplace, to allow driving under the influence of marihuana, to allow individuals to engage in conduct that endangers others, to allow smoking marihuana in any location where smoking tobacco is prohibited, or to require any individual to engage in any conduct that violates federal law or to exempt anyone from any requirement of federal law or pose any obstacle to the federal enforcement of federal law.

S 3. Section 3302 of the public health law, as added by chapter 878 of the laws of 1972, subdivisions 1, 14, 16, 17 and 27 as amended and subdivisions 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29 and 30 as renumbered by chapter 537 of the laws of 1998, subdivisions 9 and 10 as amended and subdivisions 34, 35, 36, 37, 38, 39 and 40 as added by chapter 178 of the laws of 2010, paragraph (a) of subdivision 20, the opening paragraph of subdivision 22 and subdivision 29 as amended by chapter 163 of the laws of 1973, subdivision 31 as amended by section 4 of part A of chapter 58 of the laws of 2004 and subdivision 41 as added by section 6 of part A of chapter 447 of the laws of 2012, is amended to read as follows:

S 3302. Definitions of terms of general use in this article. Except where different meanings are expressly specified in subsequent provisions of this article, the following terms have the following meanings:

1. "Addict" means a person who habitually uses a controlled substance for a non-legitimate or unlawful use, and who by reason of such use is dependent thereon.

2. "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

3. "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. No person may be authorized to so act if under title VIII of the education law such person would not be permitted to engage in such conduct. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier's or warehouseman's business.

4. ["Concentrated Cannabis" means

(a) the separated resin, whether crude or purified, obtained from a plant of the genus Cannabis; or

(b) a material, preparation, mixture, compound or other substance which contains more than two and one-half percent by weight of delta-9

1 tetrahydrocannabinol, or its isomer, delta-8 dibenzopyran numbering
2 system, or delta-1 tetrahydrocannabinol or its isomer, delta 1 (6) mono-
3 terpene numbering system.

4 5.] "Controlled substance" means a substance or substances listed in
5 section thirty-three hundred six of this [chapter] TITLE.

6 [6.] 5. "Commissioner" means commissioner of health of the state of
7 New York.

8 [7.] 6. "Deliver" or "delivery" means the actual, constructive or
9 attempted transfer from one person to another of a controlled substance,
10 whether or not there is an agency relationship.

11 [8.] 7. "Department" means the department of health of the state of
12 New York.

13 [9.] 8. "Dispense" means to deliver a controlled substance to an ulti-
14 mate user or research subject by lawful means, including by means of the
15 internet, and includes the packaging, labeling, or compounding necessary
16 to prepare the substance for such delivery.

17 [10.] 9. "Distribute" means to deliver a controlled substance, includ-
18 ing by means of the internet, other than by administering or dispensing.

19 [11.] 10. "Distributor" means a person who distributes a controlled
20 substance.

21 [12.] 11. "Diversion" means manufacture, possession, delivery or use
22 of a controlled substance by a person or in a manner not specifically
23 authorized by law.

24 [13.] 12. "Drug" means

25 (a) substances recognized as drugs in the official United States Phar-
26 macopoeia, official Homeopathic Pharmacopoeia of the United States, or
27 official National Formulary, or any supplement to any of them;

28 (b) substances intended for use in the diagnosis, cure, mitigation,
29 treatment, or prevention of disease in man or animals; and

30 (c) substances (other than food) intended to affect the structure or a
31 function of the body of man or animal. It does not include devices or
32 their components, parts, or accessories.

33 [14.] 13. "Federal agency" means the Drug Enforcement Administration,
34 United States Department of Justice, or its successor agency.

35 [15.] 14. "Federal controlled substances act" means the Comprehensive
36 Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, and
37 any act or acts amendatory or supplemental thereto or regulations
38 promulgated thereunder.

39 [16.] 15. "Federal registration number" means such number assigned by
40 the Federal agency to any person authorized to manufacture, distribute,
41 sell, dispense or administer controlled substances.

42 [17.] 16. "Habitual user" means any person who is, or by reason of
43 repeated use of any controlled substance for non-legitimate or unlawful
44 use is in danger of becoming, dependent upon such substance.

45 [18.] 17. "Institutional dispenser" means a hospital, veterinary
46 hospital, clinic, dispensary, maternity home, nursing home, mental
47 hospital or similar facility approved and certified by the department as
48 authorized to obtain controlled substances by distribution and to
49 dispense and administer such substances pursuant to the order of a prac-
50 titioner.

51 [19.] 18. "License" means a written authorization issued by the
52 department or the New York state department of education permitting
53 persons to engage in a specified activity with respect to controlled
54 substances.

55 [20.] 19. "Manufacture" means the production, preparation, propa-
56 gation, compounding, cultivation, conversion or processing of a

1 controlled substance, either directly or indirectly or by extraction
2 from substances of natural origin, or independently by means of chemical
3 synthesis, or by a combination of extraction and chemical synthesis, and
4 includes any packaging or repackaging of the substance or labeling or
5 relabeling of its container, except that this term does not include the
6 preparation, compounding, packaging or labeling of a controlled
7 substance:

8 (a) by a practitioner as an incident to his administering or dispens-
9 ing of a controlled substance in the course of his professional prac-
10 tice; or

11 (b) by a practitioner, or by his authorized agent under his super-
12 vision, for the purpose of, or as an incident to, research, teaching, or
13 chemical analysis and not for sale; or

14 (c) by a pharmacist as an incident to his dispensing of a controlled
15 substance in the course of his professional practice.

16 [21. "Marihuana" means all parts of the plant of the genus Cannabis,
17 whether growing or not; the seeds thereof; the resin extracted from any
18 part of the plant; and every compound, manufacture, salt, derivative,
19 mixture, or preparation of the plant, its seeds or resin. It does not
20 include the mature stalks of the plant, fiber produced from the stalks,
21 oil or cake made from the seeds of the plant, any other compound, manu-
22 facture, salt, derivative, mixture, or preparation of the mature stalks
23 (except the resin extracted therefrom), fiber, oil, or cake, or the
24 sterilized seed of the plant which is incapable of germination.

25 22.] 20. "Narcotic drug" means any of the following, whether produced
26 directly or indirectly by extraction from substances of vegetable
27 origin, or independently by means of chemical synthesis, or by a combi-
28 nation of extraction and chemical synthesis:

29 (a) opium and opiate, and any salt, compound, derivative, or prepara-
30 tion of opium or opiate;

31 (b) any salt, compound, isomer, derivative, or preparation thereof
32 which is chemically equivalent or identical with any of the substances
33 referred to in [subdivision] PARAGRAPH (a) OF THIS SUBDIVISION, but not
34 including the isoquinoline alkaloids of opium;

35 (c) opium poppy and poppy straw.

36 [23.] 21. "Opiate" means any substance having an addiction-forming or
37 addiction-sustaining liability similar to morphine or being capable of
38 conversion into a drug having addiction-forming or addiction-sustaining
39 liability. It does not include, unless specifically designated as
40 controlled under section [3306] THIRTY-THREE HUNDRED SIX of this [arti-
41 cle] TITLE, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and
42 its salts (dextromethorphan). It does include its racemic and levorota-
43 tory forms.

44 [24.] 22. "Opium poppy" means the plant of the species *Papaver*
45 *somniferum* L., except its seeds.

46 [25.] 23. "Person" means individual, institution, corporation, govern-
47 ment or governmental subdivision or agency, business trust, estate,
48 trust, partnership or association, or any other legal entity.

49 [26.] 24. "Pharmacist" means any person licensed by the state depart-
50 ment of education to practice pharmacy.

51 [27.] 25. "Pharmacy" means any place registered as such by the New
52 York state board of pharmacy and registered with the Federal agency
53 pursuant to the federal controlled substances act.

54 [28.] 26. "Poppy straw" means all parts, except the seeds, of the
55 opium poppy, after mowing.

56 [29.] 27. "Practitioner" means:

1 A physician, dentist, podiatrist, veterinarian, scientific investi-
2 gator, or other person licensed, or otherwise permitted to dispense,
3 administer or conduct research with respect to a controlled substance in
4 the course of a licensed professional practice or research licensed
5 pursuant to this article. Such person shall be deemed a "practitioner"
6 only as to such substances, or conduct relating to such substances, as
7 is permitted by his license, permit or otherwise permitted by law.

8 [30.] 28. "Prescribe" means a direction or authorization, by
9 prescription, permitting an ultimate user lawfully to obtain controlled
10 substances from any person authorized by law to dispense such
11 substances.

12 [31.] 29. "Prescription" shall mean an official New York state
13 prescription, an electronic prescription, an oral prescription[,] OR an
14 out-of-state prescription[, or any one].

15 [32.] 30. "Sell" means to sell, exchange, give or dispose of to anothe-
16 er, or offer or agree to do the same.

17 [33.] 31. "Ultimate user" means a person who lawfully obtains and
18 possesses a controlled substance for his own use or the use by a member
19 of his household or for an animal owned by him or in his custody. It
20 shall also mean and include a person designated, by a practitioner on a
21 prescription, to obtain such substance on behalf of the patient for whom
22 such substance is intended.

23 [34.] 32. "Internet" means collectively computer and telecommuni-
24 cations facilities which comprise the worldwide network of networks that
25 employ a set of industry standards and protocols, or any predecessor or
26 successor protocol to such protocol, to exchange information of all
27 kinds. "Internet," as used in this article, also includes other
28 networks, whether private or public, used to transmit information by
29 electronic means.

30 [35.] 33. "By means of the internet" means any sale, delivery,
31 distribution, or dispensing of a controlled substance that uses the
32 internet, is initiated by use of the internet or causes the internet to
33 be used.

34 [36.] 34. "Online dispenser" means a practitioner, pharmacy, or person
35 in the United States that sells, delivers or dispenses, or offers to
36 sell, deliver, or dispense, a controlled substance by means of the
37 internet.

38 [37.] 35. "Electronic prescription" means a prescription issued with
39 an electronic signature and transmitted by electronic means in accord-
40 ance with regulations of the commissioner and the commissioner of educa-
41 tion and consistent with federal requirements. A prescription generated
42 on an electronic system that is printed out or transmitted via facsimile
43 is not considered an electronic prescription and must be manually
44 signed.

45 [38.] 36. "Electronic" means of or relating to technology having elec-
46 trical, digital, magnetic, wireless, optical, electromagnetic or similar
47 capabilities. "Electronic" shall not include facsimile.

48 [39.] 37. "Electronic record" means a paperless record that is
49 created, generated, transmitted, communicated, received or stored by
50 means of electronic equipment and includes the preservation, retrieval,
51 use and disposition in accordance with regulations of the commissioner
52 and the commissioner of education and in compliance with federal law and
53 regulations.

54 [40.] 38. "Electronic signature" means an electronic sound, symbol, or
55 process, attached to or logically associated with an electronic record
56 and executed or adopted by a person with the intent to sign the record,

1 in accordance with regulations of the commissioner and the commissioner
2 of education.

3 [41.] 39. "Registry" or "prescription monitoring program registry"
4 means the prescription monitoring program registry established pursuant
5 to section thirty-three hundred forty-three-a of this article.

6 S 4. Paragraphs 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,
7 26, 27, 28, 29, 30, 31 and 32 of subdivision (d) of schedule I of
8 section 3306 of the public health law, paragraphs 13, 14, 15, 16, 17,
9 18, 19, 20, 21, 22, 23 and 24 as added by chapter 664 of the laws of
10 1985, paragraphs 25, 26, 27, 28, 29 and 30 as added by chapter 589 of
11 the laws of 1996 and paragraphs 31 and 32 as added by chapter 457 of the
12 laws of 2006, are amended to read as follows:

13 (13) [Marihuana.

14 (14)] Mescaline.

15 [(15)] (14) Parahexyl. Some trade or other names: 3-Hexyl-1-hydroxy-
16 7,8,9,10-tetra hydro-6,6,9-trimethyl-6H-dibenfo{b,d} pyran.

17 [(16)] (15) Peyote. Meaning all parts of the plant presently classi-
18 fied botanically as *Lophophora williamsii* Lemaire, whether growing or
19 not, the seeds thereof, any extract from any part of such plant, and
20 every compound, manufacture, salts, derivative, mixture, or preparation
21 of such plant, its seeds or extracts.

22 [(17)] (16) N-ethyl-3-piperidyl benzilate.

23 [(18)] (17) N-methyl-3-piperidyl benzilate.

24 [(19)] (18) Psilocybin.

25 [(20)] (19) Psilocyn.

26 [(21)] (20) Tetrahydrocannabinols. Synthetic TETRAHYDROCANNABINOLS NOT
27 DERIVED FROM THE CANNABIS PLANT THAT ARE equivalents of the substances
28 contained in the plant, or in the resinous extractives of cannabis, sp.
29 and/or synthetic substances, derivatives, and their isomers with similar
30 chemical structure and pharmacological activity such as the following:

31 /\1 cis or trans tetrahydrocannabinol, and their optical isomers

32 /\6 cis or trans tetrahydrocannabinol, and their optical isomers

33 /\3, 4 cis or trans tetrahydrocannabinol, and its optical isomers
34 (since nomenclature of these substances is not internationally standard-
35 ized, compounds of these structures, regardless of numerical designation
36 of atomic positions covered).

37 [(22)] (21) Ethylamine analog of phencyclidine. Some trade or other
38 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethyla-
39 mine, N-(1-phenylcyclohexyl) ethylamine cyclohexamine, PCE.

40 [(23)] (22) Pyrrolidine analog of phencyclidine. Some trade or other
41 names 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy, PHP.

42 [(24)] (23) Thiophene analog of phencyclidine. Some trade or other
43 names: 1-{1-(2-thienyl)-cyclohexyl}-piperidine, 2-thienylanalog of
44 phencyclidine, TPCP, TCP.

45 [(25)] (24) 3,4-methylenedioxyamphetamine (MDMA).

46 [(26)] (25) 3,4-methylenedioxy-N-ethylamphetamine (also known as
47 N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA,
48 MDE, MDEA.

49 [(27)] (26) N-hydroxy-3,4-methylenedioxyamphetamine (also known as
50 N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and
51 N-hydroxy MDA.

52 [(28)] (27) 1-{1-(2-thienyl) cyclohexyl} pyrrolidine. Some other
53 names: TCPY.

54 [(29)] (28) Alpha-ethyltryptamine. Some trade or other names:
55 etryptamine; Monase; Alpha-ethyl-1H-indole-3-ethanamine;
56 3-(2-aminobutyl) indole; Alpha-ET or AET.

1 [(30)] (29) 2,5-dimethoxy-4-ethylamphetamine. Some trade or other
2 names: DOET.

3 [(31)] (30) 4-Bromo-2,5-dimethoxyphenethylamine. Some trade or other
4 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
5 DOB; 2C-B, Nexus.

6 [(32)] (31) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its
7 optical isomers, salts and salts of isomers.

8 S 5. Section 3382 of the public health law, as added by chapter 878 of
9 the laws of 1972, is amended to read as follows:

10 S 3382. Growing of the plant known as Cannabis by unlicensed persons.
11 A person who, without being licensed so to do under this article, grows
12 the plant of the genus Cannabis or knowingly allows it to grow on his
13 land without destroying the same, shall be guilty of a class A misdemea-
14 nor. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A PERSON EIGH-
15 TEEN YEARS OF AGE OR OLDER WHO POSSESSES, GROWS, OR TRANSPORTS NO MORE
16 THAN SIX MARIHUANA PLANTS, WITH THREE OR FEWER BEING MATURE, FLOWERING
17 PLANTS, PROVIDED THAT THE PLANTS ARE GROWN IN AN ENCLOSED, LOCKED SPACE,
18 NOT OPENLY OR PUBLICLY, AND THAT THE MARIHUANA IS NOT SOLD.

19 S 6. Subdivision 1 of section 3397-b of the public health law, as
20 added by chapter 810 of the laws of 1980, is amended to read as follows:

21 1. ["Marijuana"] "MARIHUANA" means [marijuana] MARIHUANA as defined in
22 [section thirty-three hundred two of this chapter] SUBDIVISION SIX OF
23 SECTION 220.00 OF THE PENAL LAW and shall also include tetrahydrocanna-
24 binols or a chemical derivative of tetrahydrocannabinol.

25 S 7. Section 114-a of the vehicle and traffic law, as added by chapter
26 163 of the laws of 1973, is amended to read as follows:

27 S 114-a. Drug. The term "drug" when used in this chapter, means and
28 includes any substance listed in section thirty-three hundred six of the
29 public health law AND MARIHUANA AND CONCENTRATED CANNABIS AS DEFINED IN
30 SECTION 220.00 OF THE PENAL LAW.

31 S 8. Subdivisions 5, 6 and 9 of section 220.00 of the penal law,
32 subdivision 5 as amended by chapter 537 of the laws of 1998, subdivision
33 6 as amended by chapter 1051 of the laws of 1973 and subdivision 9 as
34 amended by chapter 664 of the laws of 1985, are amended and a new subdi-
35 vision 21 is added to read as follows:

36 5. "Controlled substance" means any substance listed in schedule I,
37 II, III, IV or V of section thirty-three hundred six of the public
38 health law other than marihuana, but including concentrated cannabis as
39 defined in [paragraph (a) of subdivision four of section thirty-three
40 hundred two of such law] SUBDIVISION TWENTY-ONE OF THIS SECTION.

41 6. "Marihuana" means ["marihuana" or "concentrated cannabis" as those
42 terms are defined in section thirty-three hundred two of the public
43 health law] ALL PARTS OF THE PLANT OF THE GENUS CANNABIS, WHETHER GROW-
44 ING OR NOT; THE SEEDS THEREOF; THE RESIN EXTRACTED FROM ANY PART OF THE
45 PLANT; AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR
46 PREPARATION OF THE PLANT, ITS SEEDS OR RESIN. IT DOES NOT INCLUDE THE
47 MATURE STALKS OF THE PLANT, FIBER PRODUCED FROM THE STALKS, OIL OR CAKE
48 MADE FROM THE SEEDS OF THE PLANT, ANY OTHER COMPOUND, MANUFACTURE, SALT,
49 DERIVATIVE, MIXTURE, OR PREPARATION OF THE MATURE STALKS (EXCEPT THE
50 RESIN EXTRACTED THEREFROM), FIBER, OIL, OR CAKE, OR THE STERILIZED SEED
51 OF THE PLANT WHICH IS INCAPABLE OF GERMINATION. IT DOES NOT INCLUDE ALL
52 PARTS OF THE PLANT CANNABIS SATIVA L., WHETHER GROWING OR NOT, HAVING NO
53 MORE THAN THREE-TENTHS OF ONE PERCENT TETRAHYDROCANNABINOL (THC).

54 9. "Hallucinogen" means any controlled substance listed in schedule
55 I(d) (5), [(18), (19), (20), (21) and (22)] (17), (18), (19), (20) AND
56 (21).

21. "CONCENTRATED CANNABIS" MEANS:

(A) THE SEPARATED RESIN, WHETHER CRUDE OR PURIFIED, OBTAINED FROM A PLANT OF THE GENUS CANNABIS; OR

(B) A MATERIAL, PREPARATION, MIXTURE, COMPOUND OR OTHER SUBSTANCE WHICH CONTAINS MORE THAN THREE PERCENT BY WEIGHT OF DELTA-9 TETRAHYDRO-CANNABINOL, OR ITS ISOMER, DELTA-8 DIBENZOPYRAN NUMBERING SYSTEM, OR DELTA-1 TETRAHYDROCANNABINOL OR ITS ISOMER, DELTA 1 (6) MONOTERPENE NUMBERING SYSTEM.

S 9. Subdivision 4 of section 220.06 of the penal law, as amended by chapter 537 of the laws of 1998, is amended to read as follows:

4. one or more preparations, compounds, mixtures or substances containing concentrated cannabis as defined in [paragraph (a) of subdivision four of section thirty-three hundred two of the public health law] SUBDIVISION TWENTY-ONE OF SECTION 220.00 OF THIS ARTICLE and said preparations, compounds, mixtures or substances are of an aggregate weight of one-fourth ounce or more; or

S 10. Subdivision 10 of section 220.09 of the penal law, as amended by chapter 537 of the laws of 1998, is amended to read as follows:

10. one or more preparations, compounds, mixtures or substances containing concentrated cannabis as defined in [paragraph (a) of subdivision four of section thirty-three hundred two of the public health law] SUBDIVISION TWENTY-ONE OF SECTION 220.00 OF THIS ARTICLE and said preparations, compounds, mixtures or substances are of an aggregate weight of one ounce or more; or

S 11. Subdivision 3 of section 220.34 of the penal law, as amended by chapter 537 of the laws of 1998, is amended to read as follows:

3. concentrated cannabis as defined in [paragraph (a) of subdivision four of section thirty-three hundred two of the public health law] SUBDIVISION TWENTY-ONE OF SECTION 220.00 OF THIS ARTICLE; or

S 12. Section 220.50 of the penal law, as amended by chapter 627 of the laws of 1990, is amended to read as follows:

S 220.50 Criminally using drug paraphernalia in the second degree.

A person is guilty of criminally using drug paraphernalia in the second degree when he knowingly possesses or sells:

1. Diluents, dilutants or adulterants, including but not limited to, any of the following: quinine hydrochloride, mannitol, mannite, lactose or dextrose, adapted for the dilution of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purposes of unlawfully mixing, compounding, or otherwise preparing any narcotic drug or stimulant, OTHER THAN MARIHUANA OR CONCENTRATED CANNABIS; or

2. Gelatine capsules, glassine envelopes, vials, capsules or any other material suitable for the packaging of individual quantities of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for the purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant, OTHER THAN MARIHUANA OR CONCENTRATED CANNABIS; or

3. Scales and balances used or designed for the purpose of weighing or measuring controlled substances, under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant, OTHER THAN MARIHUANA OR CONCENTRATED CANNABIS.

1 Criminally using drug paraphernalia in the second degree is a class A
2 misdemeanor.

3 S 13. Section 221.05 of the penal law, as added by chapter 360 of the
4 laws of 1977, is amended to read as follows:

5 S 221.05 Unlawful possession of marihuana.

6 A person is guilty of unlawful possession of marihuana when he know-
7 ingly and unlawfully possesses [marihuana]:

8 1. MARIHUANA AND IS LESS THAN EIGHTEEN YEARS OF AGE; OR

9 2. MARIHUANA IN A PUBLIC PLACE, AS DEFINED IN SECTION 240.00 OF THIS
10 PART, AND SUCH MARIHUANA IS BURNING.

11 Unlawful possession of marihuana is a violation punishable only by a
12 fine of not more than one hundred dollars. However, where the defendant
13 has previously been convicted of an offense defined in this article or
14 article [220] TWO HUNDRED TWENTY of this [chapter] TITLE, committed
15 within the three years immediately preceding such violation, it shall be
16 punishable (a) only by a fine of not more than two hundred dollars, if
17 the defendant was previously convicted of one such offense committed
18 during such period, and (b) by a fine of not more than two hundred fifty
19 dollars or a term of imprisonment not in excess of fifteen days or both,
20 if the defendant was previously convicted of two such offenses committed
21 during such period.

22 S 14. Section 221.15 of the penal law, as amended by chapter 265 of
23 the laws of 1979, the opening paragraph as amended by chapter 75 of the
24 laws of 1995, is amended to read as follows:

25 S 221.15 Criminal possession of marihuana in the [fourth] SECOND degree.

26 A person is guilty of criminal possession of marihuana in the [fourth]
27 SECOND degree when he knowingly and unlawfully possesses [one or more
28 preparations, compounds, mixtures or substances containing marihuana and
29 the preparations, compounds, mixtures or substances are of an aggregate
30 weight of] more than two ounces OF MARIHUANA, MORE THAN SIXTEEN OUNCES
31 FOR ANY MIXTURES OR SUBSTANCES CONTAINING MARIHUANA IN SOLID FORM, OR
32 MORE THAN SEVENTY-TWO OUNCES FOR ANY MIXTURES OR SUBSTANCES CONTAINING
33 MARIHUANA IN LIQUID FORM, OR MORE THAN ONE-FOURTH OF ONE OUNCE OF
34 CONCENTRATED CANNABIS.

35 Criminal possession of marihuana in the [fourth] SECOND degree is a
36 class [A] B misdemeanor.

37 S 15. Section 221.20 of the penal law, as amended by chapter 265 of
38 the laws of 1979, the opening paragraph as amended by chapter 75 of the
39 laws of 1995, is amended to read as follows:

40 S 221.20 Criminal possession of marihuana in the [third] FIRST degree.

41 A person is guilty of criminal possession of marihuana in the [third]
42 FIRST degree when he knowingly and unlawfully possesses [one or more
43 preparations, compounds, mixtures or substances containing marihuana and
44 the preparations, compounds, mixtures or substances are of an aggregate
45 weight of] more than eight ounces OF MARIHUANA, MORE THAN SIXTY-FOUR
46 OUNCES FOR ANY MIXTURES OR SUBSTANCES CONTAINING MARIHUANA IN SOLID
47 FORM, OR MORE THAN TWO GALLONS FOR ANY MIXTURES OR SUBSTANCES CONTAINING
48 MARIHUANA IN LIQUID FORM, OR MORE THAN ONE OUNCE OF CONCENTRATED CANNA-
49 BIS.

50 Criminal possession of marihuana in the [third] FIRST degree is a
51 class [E felony] A MISDEMEANOR.

52 S 16. Sections 221.10, 221.25 and 221.30 of the penal law are
53 REPEALED.

54 S 17. The penal law is amended by adding a new section 221.25 to read
55 as follows:

56 S 221.25 HOME CULTIVATION OF MARIHUANA EXCEPTION.

1 THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO A PERSON EIGHTEEN
2 YEARS OF AGE OR OLDER WHO POSSESSES, GROWS, OR TRANSPORTS NO MORE THAN
3 SIX MARIHUANA PLANTS, WITH THREE OR FEWER BEING MATURE, FLOWERING
4 PLANTS, PROVIDED THAT THE PLANTS ARE GROWN IN AN ENCLOSED, LOCKED SPACE,
5 NOT OPENLY OR PUBLICLY, AND THAT THE MARIHUANA IS NOT SOLD.

6 S 18. Section 221.35 of the penal law, as amended by chapter 265 of
7 the laws of 1979, the opening paragraph as amended by chapter 75 of the
8 laws of 1995, is amended to read as follows:

9 S 221.35 Criminal sale of marihuana in the [fifth] THIRD degree.

10 A person LESS THAN EIGHTEEN YEARS OF AGE is guilty of criminal sale of
11 marihuana in the [fifth] THIRD degree when he knowingly and unlawfully
12 sells, without consideration, one or more preparations, compounds,
13 mixtures or substances containing marihuana and the preparations,
14 compounds, mixtures or substances are of an aggregate weight of two
15 grams or less; or one cigarette containing marihuana.

16 Criminal sale of marihuana in the [fifth] THIRD degree is a class B
17 misdemeanor.

18 S 19. Section 221.40 of the penal law, as added by chapter 360 of the
19 laws of 1977, is amended to read as follows:

20 S 221.40 Criminal sale of marihuana in the [fourth] SECOND degree.

21 A person is guilty of criminal sale of marihuana in the [fourth]
22 SECOND degree when he knowingly and unlawfully sells marihuana FOR
23 CONSIDERATION except as provided in section 221.35 of this article.

24 Criminal sale of marihuana in the [fourth] SECOND degree is a class A
25 misdemeanor.

26 S 20. Section 221.45 of the penal law, as amended by chapter 265 of
27 the laws of 1979, the opening paragraph as amended by chapter 75 of the
28 laws of 1995, is amended to read as follows:

29 S 221.45 Criminal sale of marihuana in the [third] FIRST degree.

30 A person is guilty of criminal sale of marihuana in the [third] FIRST
31 degree when he knowingly and unlawfully sells [one or more preparations,
32 compounds, mixtures or substances containing marihuana and the prepara-
33 tions, compounds, mixtures or substances are of an aggregate weight of
34 more than twenty-five grams] TWO OUNCES OF MARIHUANA, MORE THAN SIXTEEN
35 OUNCES FOR ANY MIXTURES OR SUBSTANCES CONTAINING MARIHUANA IN SOLID
36 FORM, OR MORE THAN SEVENTY-TWO OUNCES FOR ANY MIXTURES OR SUBSTANCES
37 CONTAINING MARIHUANA IN LIQUID FORM, OR MORE THAN ONE-FOURTH OF ONE
38 OUNCE OF CONCENTRATED CANNABIS.

39 Criminal sale of marihuana in the [third] FIRST degree is a class E
40 felony.

41 S 21. Sections 221.50 and 221.55 of the penal law are REPEALED.

42 S 22. The penal law is amended by adding a new section 221.60 to read
43 as follows:

44 S 221.60 LICENSING OF MARIHUANA PRODUCTION AND DISTRIBUTION.

45 THE PROVISIONS OF THIS ARTICLE AND OF ARTICLE TWO HUNDRED TWENTY OF
46 THIS TITLE SHALL NOT APPLY TO ANY PERSON EXEMPTED FROM CRIMINAL PENAL-
47 TIES PURSUANT TO THE PROVISIONS OF THIS CHAPTER OR POSSESSING, MANUFAC-
48 TURING, TRANSPORTING, DISTRIBUTING, SELLING, TRANSFERRING, MARIHUANA OR
49 CONCENTRATED CANNABIS, OR ENGAGED IN ANY OTHER ACTION THAT IS IN COMPLI-
50 ANCE WITH ARTICLE ELEVEN OF THE ALCOHOLIC BEVERAGE CONTROL LAW.

51 S 23. Subdivision 8 of section 1399-n of the public health law, as
52 amended by chapter 13 of the laws of 2003, is amended to read as
53 follows:

54 8. "Smoking" means the burning of a lighted cigar, cigarette, pipe or
55 any other matter or substance which contains tobacco OR MARIHUANA.

1 S 24. Section 2 of the alcoholic beverage control law, as amended by
2 chapter 111 of the laws of 1978, is amended to read as follows:

3 S 2. Policy of state and purpose of chapter. It is hereby declared as
4 the policy of the state that it is necessary to regulate and control the
5 manufacture, sale and distribution within the state of alcoholic bever-
6 ages AND MARIHUANA PRODUCTS for the purpose of fostering and promoting
7 temperance in their consumption and respect for and obedience to law. It
8 is hereby declared that such policy will best be carried out by empower-
9 ing the liquor authority of the state to determine whether public
10 convenience and advantage will be promoted by the issuance of licenses
11 to traffic in alcoholic beverages AND MARIHUANA PRODUCTS, the increase
12 or decrease in the number thereof and the location of premises licensed
13 thereby, subject only to the right of judicial review hereinafter
14 provided for. It is the purpose of this chapter to carry out that policy
15 in the public interest. The restrictions, regulations and provisions
16 contained in this chapter are enacted by the legislature for the
17 protection, health, welfare and safety of the people of the state.

18 S 25. Subdivisions 20-a, 20-b, 20-c, 20-d and 20-e of section 3 of the
19 alcoholic beverage control law are renumbered subdivisions 20-j, 20-k,
20 20-l, 20-m and 20-n and ten new subdivisions 7-e, 20-a, 20-b, 20-c,
21 20-d, 20-e, 20-f, 20-g, 20-h and 20-i are added to read as follows:

22 7-E. "CONCENTRATED CANNABIS" MEANS: (A) THE SEPARATED RESIN, WHETHER
23 CRUDE OR PURIFIED, OBTAINED FROM A PLANT OF THE GENUS CANNABIS; OR

24 (B) A MATERIAL, PREPARATION, MIXTURE, COMPOUND OR OTHER SUBSTANCE
25 WHICH CONTAINS MORE THAN THREE PERCENT BY WEIGHT OF DELTA-9 TETRAHYDRO-
26 CANNABINOL, OR ITS ISOMER, DELTA-8 DIBENZOPYRAN NUMBERING SYSTEM, OR
27 DELTA-1 TETRAHYDROCANNABINOL OR ITS ISOMER, DELTA 1 (6) MONOTERPENE
28 NUMBERING SYSTEM.

29 20-A. "MARIHUANA" MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS,
30 WHETHER GROWING OR NOT; THE SEEDS THEREOF; THE RESIN EXTRACTED FROM ANY
31 PART OF THE PLANT; AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE,
32 MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS OR RESIN. IT DOES NOT
33 INCLUDE THE MATURE STALKS OF THE PLANT, FIBER PRODUCED FROM THE STALKS,
34 OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, ANY OTHER COMPOUND, MANU-
35 FACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE MATURE STALKS
36 (EXCEPT THE RESIN EXTRACTED THEREFROM), FIBER, OIL, OR CAKE, OR THE
37 STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF GERMINATION. IT DOES
38 NOT INCLUDE ALL PARTS OF THE PLANT CANNABIS SATIVA L., WHETHER GROWING
39 OR NOT, HAVING NO MORE THAN THREE-TENTHS OF ONE PERCENT TETRAHYDROCANNA-
40 BINOL (THC).

41 20-B. "MARIHUANA CONSUMER" MEANS A PERSON TWENTY-ONE YEARS OF AGE OR
42 OLDER WHO PURCHASED MARIHUANA OR MARIHUANA PRODUCTS FOR PERSONAL USE BY
43 PERSONS TWENTY-ONE YEARS OF AGE OR OLDER, BUT NOT FOR RESALE TO OTHERS.

44 20-C. "MARIHUANA PROCESSOR" MEANS A PERSON LICENSED BY THE AUTHORITY
45 TO PURCHASE MARIHUANA AND CONCENTRATED CANNABIS FROM MARIHUANA PRODUC-
46 ERS, TO PROCESS MARIHUANA, CONCENTRATED CANNABIS, AND MARIHUANA INFUSED
47 PRODUCTS, PACKAGE AND LABEL MARIHUANA, CONCENTRATED CANNABIS AND MARI-
48 HUANA INFUSED PRODUCTS FOR SALE IN RETAIL OUTLETS, AND SELL MARIHUANA,
49 CONCENTRATED CANNABIS AND MARIHUANA INFUSED PRODUCTS AT WHOLESALE TO
50 MARIHUANA RETAILERS.

51 20-D. "MARIHUANA PRODUCER" MEANS A PERSON LICENSED BY THE AUTHORITY TO
52 PRODUCE, PROCESS, AND SELL MARIHUANA AND CONCENTRATED CANNABIS AT WHOLE-
53 SALE TO MARIHUANA PROCESSORS, MARIHUANA RETAILERS, OR OTHER MARIHUANA
54 PRODUCERS, BUT NOT TO CONSUMERS.

55 20-E. "MARIHUANA PRODUCTS" MEANS MARIHUANA, CONCENTRATED CANNABIS, AND
56 MARIHUANA-INFUSED PRODUCTS.

1 20-F. "MARIHUANA-INFUSED PRODUCTS" MEANS PRODUCTS THAT CONTAIN MARI-
2 HUANA, MARIHUANA EXTRACTS, OR CONCENTRATED CANNABIS AND ARE INTENDED FOR
3 HUMAN USE OR CONSUMPTION, SUCH AS, BUT NOT LIMITED TO, EDIBLE PRODUCTS,
4 OINTMENTS, AND TINCTURES.

5 20-G. "MARIHUANA RETAILER" MEANS A PERSON LICENSED BY THE AUTHORITY TO
6 PURCHASE MARIHUANA, CONCENTRATED CANNABIS, AND MARIHUANA-INFUSED
7 PRODUCTS FROM MARIHUANA PRODUCERS AND MARIHUANA PROCESSORS AND SELL
8 MARIHUANA, MARIHUANA INFUSED PRODUCTS, AND CONCENTRATED CANNABIS IN A
9 RETAIL OUTLET.

10 20-H. "MARIHUANA RETAILER FOR ON-PREMISES CONSUMPTION" MEANS A PERSON
11 LICENSED BY THE AUTHORITY TO PURCHASE MARIHUANA, CONCENTRATED CANNABIS,
12 AND MARIHUANA INFUSED PRODUCTS FROM MARIHUANA PRODUCERS, MARIHUANA
13 RETAILERS, AND MARIHUANA PROCESSORS AND SELL MARIHUANA PRODUCTS FOR A
14 CUSTOMER TO CONSUME WHILE THE CUSTOMER IS WITHIN A FACILITY.

15 20-I. "UNREASONABLY IMPRACTICABLE" MEANS THAT THE MEASURES NECESSARY
16 TO COMPLY WITH THE REGULATIONS REQUIRE SUCH A HIGH INVESTMENT OF RISK,
17 MONEY, TIME OR OTHER RESOURCE OR ASSET THAT THE OPERATION OF A MARIHUANA
18 ESTABLISHMENT IS NOT WORTHY OF BEING CARRIED OUT BY A REASONABLY PRUDENT
19 BUSINESSPERSON.

20 S 25-a. Section 65-b of the alcoholic beverage control law, as amended
21 by chapter 519 of the laws of 1999, paragraphs (b) and (c) of subdivi-
22 sion 3 as amended by chapter 257 of the laws of 2013 and the opening
23 paragraph of subdivision 6 as amended by chapter 503 of the laws of
24 2000, is amended to read as follows:

25 S 65-b. Offense for one under age of twenty-one years to purchase or
26 attempt to purchase an alcoholic beverage OR MARIHUANA PRODUCTS through
27 fraudulent means. 1. As used in this section: (a) "A device capable of
28 deciphering any electronically readable format" or "device" shall mean
29 any commercial device or combination of devices used at a point of sale
30 or entry that is capable of reading the information encoded on the
31 magnetic strip or bar code of a driver's license or non-driver identifi-
32 cation card issued by the commissioner of motor vehicles;

33 (b) "Card holder" means any person presenting a driver's license or
34 non-driver identification card to a licensee, or to the agent or employ-
35 ee of such licensee under this chapter; and

36 (c) "Transaction scan" means the process involving a device capable of
37 deciphering any electronically readable format by which a licensee, or
38 agent or employee of a licensee under this chapter reviews a driver's
39 license or non-driver identification card presented as a precondition
40 for the purchase of an alcoholic beverage OR MARIHUANA PRODUCTS as
41 required by subdivision two of this section or as a precondition for
42 admission to an establishment licensed for the on-premises sale of alco-
43 holic beverages OR MARIHUANA PRODUCTS where admission is restricted to
44 persons twenty-one years or older.

45 2. (a) No person under the age of twenty-one years shall present or
46 offer to any licensee under this chapter, or to the agent or employee of
47 such licensee, any written evidence of age which is false, fraudulent or
48 not actually his OR HER own, for the purpose of purchasing or attempting
49 to purchase any alcoholic beverage OR MARIHUANA PRODUCTS.

50 (b) No licensee, or agent or employee of such licensee shall accept as
51 written evidence of age by any such person for the purchase of any alco-
52 holic beverage OR MARIHUANA PRODUCTS, any documentation other than: (i)
53 a valid driver's license or non-driver identification card issued by the
54 commissioner of motor vehicles, the federal government, any United
55 States territory, commonwealth or possession, the District of Columbia,
56 a state government within the United States or a provincial government

1 of the dominion of Canada, or (ii) a valid passport issued by the United
2 States government or any other country, or (iii) an identification card
3 issued by the armed forces of the United States. Upon the presentation
4 of such driver's license or non-driver identification card issued by a
5 governmental entity, such licensee or agent or employee thereof may
6 perform a transaction scan as a precondition to the sale of any alcohol-
7 ic beverage. Nothing in this section shall prohibit a licensee or agent
8 or employee from performing such a transaction scan on any of the other
9 documents listed in this subdivision if such documents include a bar
10 code or magnetic strip that [that] may be scanned by a device capable of
11 deciphering any electronically readable format.

12 (c) In instances where the information deciphered by the transaction
13 scan fails to match the information printed on the driver's license or
14 non-driver identification card presented by the card holder, or if the
15 transaction scan indicates that the information is false or fraudulent,
16 the attempted purchase of the alcoholic beverage OR MARIHUANA PRODUCTS
17 shall be denied.

18 3. A person violating the provisions of paragraph (a) of subdivision
19 two of this section shall be guilty of a violation and shall be
20 sentenced in accordance with the following:

21 (a) For a first violation, the court shall order payment of a fine of
22 not more than one hundred dollars and/or an appropriate amount of commu-
23 nity service not to exceed thirty hours. In addition, the court may
24 order completion of an alcohol awareness program established pursuant to
25 section 19.25 of the mental hygiene law OR A MARIHUANA AWARENESS
26 PROGRAM.

27 (b) For a second violation, the court shall order payment of a fine of
28 not less than fifty dollars nor more than three hundred fifty dollars
29 and/or an appropriate amount of community service not to exceed sixty
30 hours. The court also shall order completion of an alcohol OR MARIHUANA
31 awareness program as referenced in paragraph (a) of this subdivision if
32 such program has not previously been completed by the offender, unless
33 the court determines that attendance at such program is not feasible due
34 to the lack of availability of such program within a reasonably close
35 proximity to the locality in which the offender resides or matriculates,
36 as appropriate.

37 (c) For third and subsequent violations, the court shall order payment
38 of a fine of not less than fifty dollars nor more than seven hundred
39 fifty dollars and/or an appropriate amount of community service not to
40 exceed ninety hours. The court also shall order that such person submit
41 to an evaluation by an appropriate agency certified or licensed by the
42 office of alcoholism and substance abuse services to determine whether
43 the person suffers from the disease of alcoholism or alcohol OR MARIHUA-
44 NA abuse, unless the court determines that under the circumstances
45 presented such an evaluation is not necessary, in which case the court
46 shall state on the record the basis for such determination. Payment for
47 such evaluation shall be made by such person. If, based on such evalu-
48 ation, a need for treatment is indicated, such person may choose to
49 participate in a treatment plan developed by an agency certified or
50 licensed by the office of alcoholism and substance abuse services. If
51 such person elects to participate in recommended treatment, the court
52 shall order that payment of such fine and community service be suspended
53 pending the completion of such treatment.

54 (d) Evaluation procedures. For purposes of this subdivision, the
55 following shall apply:

1 (i) The contents of an evaluation pursuant to paragraph (c) of this
2 subdivision shall be used for the sole purpose of determining if such
3 person suffers from the disease of alcoholism or alcohol OR MARIHUANA
4 abuse.

5 (ii) The agency designated by the court to perform such evaluation
6 shall conduct the evaluation and return the results to the court within
7 thirty days, subject to any state or federal confidentiality law, rule
8 or regulation governing the confidentiality of alcohol and substance
9 abuse treatment records.

10 (iii) The office of alcoholism and substance abuse services shall make
11 available to each supreme court law library in this state, or, if no
12 supreme court law library is available in a certain county, to the coun-
13 ty court law library of such county, a list of agencies certified to
14 perform evaluations as required by subdivision (f) of section 19.07 of
15 the mental hygiene law.

16 (iv) All evaluations required under this subdivision shall be in writ-
17 ing and the person so evaluated or his or her counsel shall receive a
18 copy of such evaluation prior to its use by the court.

19 (v) A minor evaluated under this subdivision shall have, and shall be
20 informed by the court of, the right to obtain a second opinion regarding
21 his or her need for alcoholism OR SUBSTANCE ABUSE treatment.

22 4. A person violating the provisions of paragraph (b) of subdivision
23 two of this section shall be guilty of a violation punishable by a fine
24 of not more than one hundred dollars, and/or an appropriate amount of
25 community service not to exceed thirty hours. In addition, the court may
26 order completion of an alcohol OR SUBSTANCE ABUSE training awareness
27 program established pursuant to subdivision twelve of section seventeen
28 of this chapter where such program is located within a reasonably close
29 proximity to the locality in which the offender is employed or resides.

30 5. No determination of guilt pursuant to this section shall operate as
31 a disqualification of any such person subsequently to hold public
32 office, public employment, or as a forfeiture of any right or privilege
33 or to receive any license granted by public authority; and no such
34 person shall be denominated a criminal by reason of such determination.

35 6. In addition to the penalties otherwise provided in subdivision
36 three of this section, if a determination is made sustaining a charge of
37 illegally purchasing or attempting to illegally purchase an alcoholic
38 beverage OR MARIHUANA PRODUCTS, the court may suspend such person's
39 license to drive a motor vehicle and the privilege of an unlicensed
40 person of obtaining such license, in accordance with the following and
41 for the following periods, if it is found that a driver's license was
42 used for the purpose of such illegal purchase or attempt to illegally
43 purchase; provided, however, that where a person is sentenced pursuant
44 to paragraph (b) or (c) of subdivision three of this section, the court
45 shall impose such license suspension if it is found that a driver's
46 license was used for the purpose of such illegal purchase or attempt to
47 illegally purchase:

48 (a) For a first violation of paragraph (a) of subdivision two of this
49 section, a three month suspension.

50 (b) For a second violation of paragraph (a) of subdivision two of this
51 section, a six month suspension.

52 (c) For a third or subsequent violation of paragraph (a) of subdivi-
53 sion two of this section, a suspension for one year or until the holder
54 reaches the age of twenty-one, whichever is the greater period of time.

1 Such person may thereafter apply for and be issued a restricted use
2 license in accordance with the provisions of section five hundred thirty
3 of the vehicle and traffic law.

4 7. (a) In any proceeding pursuant to subdivision one of section
5 sixty-five of this article, it shall be an affirmative defense that such
6 person had produced a driver's license or non-driver identification card
7 apparently issued by a governmental entity, successfully completed the
8 transaction scan, and that the alcoholic beverage OR MARIHUANA PRODUCTS
9 had been sold, delivered or given to such person in reasonable reliance
10 upon such identification and transaction scan. In evaluating the appli-
11 cability of such affirmative defense, the liquor authority shall take
12 into consideration any written policy adopted and implemented by the
13 seller to carry out the provisions of this chapter. Use of a transaction
14 scan shall not excuse any licensee under this chapter, or agent or
15 employee of such licensee, from the exercise of reasonable diligence
16 otherwise required by this section. Notwithstanding the above
17 provisions, any such affirmative defense shall not be applicable in any
18 other civil or criminal proceeding, or in any other forum.

19 (b) A licensee or agent or employee of a licensee may electronically
20 or mechanically record and maintain only the information from a trans-
21 action scan necessary to effectuate the purposes of this section. Such
22 information shall be limited to the following: (i) name, (ii) date of
23 birth, (iii) driver's license or non-driver identification number, and
24 (iv) expiration date. The liquor authority and the state commissioner of
25 motor vehicles shall jointly promulgate any regulation necessary to
26 govern the recording and maintenance of these records by a licensee
27 under this chapter. The liquor authority and the commissioner of health
28 shall jointly promulgate any regulations necessary to ensure quality
29 control in the use of transaction scan devices.

30 8. A licensee or agent or employee of such licensee shall only use the
31 information recorded and maintained through the use of such devices for
32 the purposes contained in paragraph (a) of subdivision seven of this
33 section, and shall only use such devices for the purposes contained in
34 subdivision two of this section. No licensee or agent or employee of a
35 licensee shall resell or disseminate the information recorded during
36 such scan to any third person. Such prohibited resale or dissemination
37 includes, but is not limited to, any advertising, marketing or promo-
38 tional activities. Notwithstanding the restrictions imposed by this
39 subdivision, such records may be released pursuant to a court ordered
40 subpoena or pursuant to any other statute that specifically authorizes
41 the release of such information. Each violation of this subdivision
42 shall be punishable by a civil penalty of not more than one thousand
43 dollars.

44 S 26. Section 140 of the alcoholic beverage control law, as amended by
45 chapter 810 of the laws of 1981, is amended to read as follows:

46 S 140. Applicability of chapter before local option. Until such time
47 as it shall become unlawful to sell alcoholic beverages OR MARIHUANA
48 PRODUCTS in any town or city by the vote of the voters in such town or
49 city in the manner provided in this article, all of the provisions of
50 this chapter shall apply throughout the entire state. This article shall
51 not apply to the Whiteface mountain ski center, owned by the state and
52 located in the town of Wilmington, county of Essex.

53 S 27. Section 141 of the alcoholic beverage control law, as amended by
54 chapter 319 of the laws of 2007, is amended to read as follows:

55 S 141. Local option for towns. 1. Not less than sixty days nor more
56 than seventy-five days before the general election in any town at which

the submission of the questions hereinafter stated is authorized by this article, a petition signed by electors of the town to a number amounting to twenty-five per centum of the votes cast in the town for governor at the then last preceding gubernatorial election, acknowledged by the signers or authenticated by witnesses as provided in the election law in respect of a nominating petition, requesting the submission at such election to the electors of the town of one or more of the following questions, may be filed with the town clerk:

Question 1. Tavern alcoholic beverage license. Shall a person be allowed to obtain a license to operate a tavern with a limited-service menu (sandwiches, salads, soups, etc.) which permits the tavern operator to sell alcoholic beverages for a customer to drink while the customer is within the tavern. In addition, unopened containers of beer (such as six-packs and kegs) may be sold "to go" for the customer to open and drink at another location (such as, for example, at his home)?

Question 2. Restaurant alcoholic beverage license. Shall the operator of a full-service restaurant be allowed to obtain a license which permits the restaurant operator to sell alcoholic beverages for a customer to drink while the customer is within the restaurant. In addition, unopened containers of beer (such as six-packs and kegs) may be sold "to go" for the customer to open and drink at another location (such as, for example, at his home)?

Question 3. Year-round hotel alcoholic beverage license. Shall the operator of a year-round hotel with a full-service restaurant be allowed to obtain a license which permits the year-round hotel to sell alcoholic beverages for a customer to drink while the customer is within the hotel. In addition, unopened containers of beer (such as six-packs and kegs) may be sold "to go" for the customer to open and drink at another location (such as, for example, at his home)?

Question 4. Summer hotel alcoholic beverage license. Shall the operator of a summer hotel with a full-service restaurant, open for business only within the period from May first to October thirty-first in each year, be allowed to obtain a license which permits the summer hotel to sell alcoholic beverages for a customer to drink while the customer is within the hotel. In addition, unopened containers of beer (such as six-packs and kegs) may be sold "to go" for the customer to open and drink at another location (such as, for example, at his home)?

Question 5. Retail package liquor or wine store license. Shall a person be allowed to obtain a license to operate a retail package liquor-and-wine or wine-without-liquor store, to sell "to go" unopened bottles of liquor or wine to a customer to be taken from the store for the customer to open and drink at another location (such as, for example, at his home)?

Question 6. Off-premises beer and wine cooler license. Shall the operator of a grocery store, drugstore or supply ship operating in the harbors of Lake Erie be allowed to obtain a license which permits the operator to sell "to go" unopened containers of beer (such as six-packs and kegs) and wine coolers with not more than 6% alcohol to a customer to be taken from the store for the customer to open and drink at another location (such as, for example, at his home)?

Question 7. Baseball park, racetrack, athletic field or stadium license. Shall a person be allowed to obtain a license which permits the sale of beer for a patron's consumption while the patron is within a baseball park, racetrack, or other athletic field or stadium where admission fees are charged?

1 QUESTION 8. MARIHUANA RETAILER LICENSE. SHALL A PERSON BE ALLOWED TO
2 OBTAIN A LICENSE TO OPERATE A RETAIL MARIHUANA STORE, TO SELL UNOPENED
3 MARIHUANA PRODUCTS TO A CUSTOMER TO BE TAKEN FROM THE STORE FOR THE
4 CUSTOMER TO OPEN AND CONSUME AT ANOTHER LOCATION (SUCH AS, FOR EXAMPLE,
5 AT HIS HOME)?

6 QUESTION 9. ON-PREMISES MARIHUANA RETAILER LICENSE. SHALL A PERSON BE
7 ALLOWED TO OBTAIN A LICENSE TO OPERATE A FACILITY WHERE THE SERVICE OF
8 FOOD IS ONLY INCIDENTAL AND PERMITS THE FACILITY OPERATOR TO SELL MARI-
9 HUANA PRODUCTS FOR A CUSTOMER TO CONSUME WHILE THE CUSTOMER IS WITHIN
10 THE FACILITY?

11 2. Upon the due filing of such petition complying with the foregoing
12 provisions, such questions shall be submitted in accordance therewith.

13 3. The town clerk shall, within five days from the filing of such
14 petition in his office, prepare and file in the office of the board of
15 elections, as defined by the election law, of the county, a certified
16 copy of such petition. Such questions may be submitted only at the time
17 of a general election. At least ten days before such general election,
18 the board of elections shall cause to be printed and posted in at least
19 four public places in such town, a notice of the fact that all of the
20 local option questions will be voted on at such general election; and
21 the said notice shall also be published at least five days before the
22 vote is to be taken once in a newspaper published in the county in which
23 such town is situated, which shall be a newspaper published in the town,
24 if there be one. Whenever such questions are to be submitted under the
25 provisions of this article the board of elections shall cause the proper
26 ballot labels to be printed and placed on all voting machines used in
27 the town in which such questions are to be submitted, in the form
28 prescribed by the election law in respect of other propositions or ques-
29 tions, upon the face of which shall be printed in full the said ques-
30 tions. Any elector qualified to vote for state officers shall be enti-
31 tled to vote upon such local option questions. As soon as the election
32 shall be held, a return of the votes cast and counted shall be made as
33 provided by law and the returns canvassed by the inspectors of election.
34 If a majority of the votes cast shall be in the negative on all or any
35 of the questions, no person shall, after such election, sell alcoholic
36 beverages OR MARIHUANA PRODUCTS in such town contrary to such vote or to
37 the provisions of this chapter; provided, however, that the result of
38 such vote shall not shorten the term for which any license may have been
39 lawfully issued under this chapter or affect the rights of the licensee
40 thereunder; and no person shall after such vote apply for or receive a
41 license to sell alcoholic beverages OR MARIHUANA PRODUCTS at retail in
42 such town contrary to such vote, until, by referendum as hereinafter
43 provided for, such sale shall again become lawful.

44 S 28. Subdivision 3 of section 142 of the alcoholic beverage control
45 law is amended to read as follows:

46 3. If a majority of the votes cast shall be in the negative on any or
47 all of the questions, no person shall, after such election, sell alco-
48 holic beverages OR MARIHUANA PRODUCTS in such city contrary to such vote
49 or to the provisions of this chapter; provided, however, that the result
50 of such vote shall not shorten the term for which any license may have
51 been lawfully issued under this chapter or affect the rights of the
52 licensee thereunder; and no person shall after such vote apply for or
53 receive a license to sell alcoholic beverages OR MARIHUANA PRODUCTS at
54 retail in such city contrary to such vote, until, by referendum as here-
55 inafter provided for, such sale shall again become lawful.

S 29. Subdivision 2 of section 147 of the alcoholic beverage control law is amended to read as follows:

2. If at the time of any subsequent submission of such questions it shall be lawful to sell alcoholic beverages OR MARIHUANA PRODUCTS and a majority of the votes cast shall be in the negative on such questions, then all of the provisions of this article applicable thereto shall become effective.

S 29-a. Article 11 of the alcoholic beverage control law is renumbered article 12 and sections 160, 161, 162, 163 and 164 are renumbered sections 200, 201, 202, 203 and 204.

S 30. The alcoholic beverage control law is amended by adding a new article 11 to read as follows:

ARTICLE 11

PROVISIONS RELATING TO MARIHUANA

SECTION 165. LICENSES ISSUED.

166. PRODUCERS AND PROCESSORS NOT TO BE INTERESTED IN RETAILERS.

167. ACTIONS TAKEN PURSUANT TO VALID LICENSES ARE LAWFUL.

168. GENERAL PROHIBITIONS AND RESTRICTIONS.

169. CERTAIN OFFICIALS NOT TO BE INTERESTED IN MANUFACTURE OR SALE OF MARIHUANA.

170. PROVISIONS GOVERNING MARIHUANA LICENSES.

171. PROVISIONS GOVERNING MARIHUANA PRODUCERS.

172. PROVISIONS GOVERNING PROCESSORS.

173. PROVISIONS GOVERNING MARIHUANA RETAILERS.

174. PROVISIONS GOVERNING MARIHUANA RETAILERS FOR CONSUMPTION ON PREMISES.

175. ADVERTISING AND FORMS OF THE ISSUANCE OF LICENSES.

176. PACKAGING OF MARIHUANA PRODUCTS.

177. LABELING OF MARIHUANA PRODUCTS.

178. RENEWALS OF LICENSES AND PERMITS.

179. INFORMATION TO BE REQUESTED IN APPLICATIONS FOR LICENSES OR PERMITS.

180. NOTIFICATION TO MUNICIPALITIES.

181. LICENSES, PUBLICATION, GENERAL PROVISIONS.

182. REVOCATION OF LICENSES FOR CAUSE.

183. PROCEDURE FOR REVOCATION OR CANCELLATION.

184. DECISIONS OF LIQUOR AUTHORITY AND REVIEW BY THE COURTS.

185. DISPOSITION OF MONEYS RECEIVED FOR LICENSE FEES.

186. PERSONS FORBIDDEN TO TRAFFIC IN MARIHUANA.

187. SURRENDER OF LICENSE; NOTICE TO POLICE OFFICIALS.

188. AUTHORITY TO PROMULGATE RULES AND REGULATIONS.

189. PROTECTIONS FOR THE USE OF MARIHUANA.

190. CIVIL PROTECTIONS FOR THE USE OF MARIHUANA.

S 165. LICENSES ISSUED. THE FOLLOWING KINDS OF LICENSES SHALL BE ISSUED BY THE AUTHORITY FOR THE MANUFACTURE AND SALE OF MARIHUANA:

1. MARIHUANA PRODUCER LICENSE;

2. MARIHUANA PROCESSOR LICENSE;

3. MARIHUANA RETAILER LICENSE;

4. MARIHUANA RETAILER LICENSE FOR CONSUMPTION ON THE PREMISES; AND

5. ANY OTHER TYPE OF LICENSES ALLOWED BY THE AUTHORITY.

S 166. PRODUCERS AND PROCESSORS NOT TO BE INTERESTED IN RETAILERS. NEITHER A LICENSED PRODUCER NOR A LICENSED PROCESSOR SHALL HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN A LICENSED MARIHUANA RETAILER OR A MARIHUANA RETAILER LICENSE FOR CONSUMPTION ON THE PREMISES.

S 167. ACTIONS TAKEN PURSUANT TO VALID LICENSES ARE LAWFUL. ACTIONS AND CONDUCT BY A LICENSEE, ITS EMPLOYEES, AND ITS AGENTS AS PERMITTED

PURSUANT TO A VALID LICENSE ISSUED BY THE AUTHORITY, OR BY THOSE WHO ALLOW PROPERTY TO BE USED BY A LICENSEE, ITS EMPLOYEES, AND ITS AGENTS AS PERMITTED PURSUANT TO A VALID LICENSE ISSUED BY THE AUTHORITY, ARE NOT UNLAWFUL AND SHALL NOT BE AN OFFENSE UNDER NEW YORK LAW, OR THE LAWS OF ANY LOCALITY WITHIN NEW YORK, OR BE SUBJECT TO A CIVIL FINE OR BE A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS UNDER NEW YORK LAW. CONTRACTS ENTERED INTO FOR THE PURPOSE OF THIS ARTICLE SHALL BE VALID AND ENFORCE-ABLE.

S 168. GENERAL PROHIBITIONS AND RESTRICTIONS. 1. NO MARIHUANA PRODUCTS MAY BE IMPORTED OR EXPORTED INTO NEW YORK STATE BY A LICENSEE FROM OR TO A JURISDICTION IN WHICH POSSESSION, TRANSPORT, DISTRIBUTION OF MARIHUANA OR OTHER MARIHUANA RELATED CONDUCT REMAINS ILLEGAL UNDER THE LAWS OF THAT JURISDICTION.

2. (A) NO PERSON HOLDING ANY LICENSE PURSUANT TO THIS ARTICLE, OTHER THAN A LICENSE TO SELL MARIHUANA AT RETAIL FOR OFF-PREMISES CONSUMPTION OR A MARIHUANA RETAILER LICENSE FOR CONSUMPTION ON THE PREMISES, MAY EMPLOY ANY PERSON WHO HAS BEEN CONVICTED OF A FELONY, OR ANY OF THE FOLLOWING OFFENSES, UNLESS, SUBSEQUENT TO SUCH CONVICTION, THE PERSON HAS RECEIVED: (I) AN EXECUTIVE PARDON THEREFOR REMOVING ANY CIVIL DISABILITIES INCURRED THEREBY; (II) A CERTIFICATE OF RELIEF FROM DISABILITIES OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW; (III) OTHER RELIEF FROM DISABILITIES PROVIDED BY LAW; OR (IV) THE WRITTEN APPROVAL OF THE LIQUOR AUTHORITY PERMITTING SUCH EMPLOYMENT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION:

(A) ILLEGALLY USING, CARRYING OR POSSESSING A PISTOL OR OTHER DANGEROUS WEAPON;

(B) MAKING OR POSSESSING BURGLAR'S INSTRUMENTS;

(C) BUYING OR RECEIVING OR CRIMINALLY POSSESSING STOLEN PROPERTY;

(D) UNLAWFUL ENTRY OF A BUILDING;

(E) AIDING ESCAPE FROM PRISON;

(F) UNLAWFULLY POSSESSING OR DISTRIBUTING HABIT FORMING NARCOTIC DRUGS, OTHER THAN MARIHUANA;

(G) VIOLATING SUBDIVISIONS SIX, TEN OR ELEVEN OF SECTION SEVEN HUNDRED TWENTY-TWO OF THE FORMER PENAL LAW AS IN FORCE AND EFFECT IMMEDIATELY PRIOR TO SEPTEMBER FIRST, NINETEEN HUNDRED SIXTY-SEVEN, OR VIOLATING SECTION 165.25 OR 165.30 OF THE PENAL LAW;

(H) VAGRANCY OR PROSTITUTION; OR

(I) OWNERSHIP, OPERATION, POSSESSION, CUSTODY OR CONTROL OF A STILL SUBSEQUENT TO JULY FIRST, NINETEEN HUNDRED FIFTY-FOUR.

(B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, IF THE LIQUOR AUTHORITY ISSUES ITS WRITTEN APPROVAL FOR THE EMPLOYMENT BY A LICENSEE, IN A SPECIFIED CAPACITY, OF A PERSON PREVIOUSLY CONVICTED OF A FELONY OR ANY OF THE OFFENSES ABOVE ENUMERATED IN PARAGRAPH (A) OF THIS SUBDIVISION, SUCH PERSON, MAY, UNLESS HE OR SHE IS SUBSEQUENTLY CONVICTED OF A FELONY OR ANY OF SUCH OFFENSES, THEREAFTER BE EMPLOYED IN THE SAME CAPACITY BY ANY OTHER LICENSEE WITHOUT THE FURTHER WRITTEN APPROVAL OF THE AUTHORITY UNLESS THE PRIOR APPROVAL GIVEN BY THE AUTHORITY IS TERMINATED.

3. NO LICENSE OF ANY KIND MAY BE ISSUED TO A PERSON UNDER THE AGE OF TWENTY-ONE YEARS, NOR SHALL ANY LICENSEE EMPLOY ANYONE UNDER THE AGE OF TWENTY-ONE YEARS.

S 169. CERTAIN OFFICIALS NOT TO BE INTERESTED IN MANUFACTURE OR SALE OF MARIHUANA. 1. EXCEPT AS OTHERWISE PROVIDED IN SECTION ONE HUNDRED TWENTY-EIGHT-A OF THIS CHAPTER, IT SHALL BE UNLAWFUL FOR ANY POLICE COMMISSIONER, POLICE INSPECTOR, CAPTAIN, SERGEANT, ROUNDSMAN, PATROLMAN OR OTHER POLICE OFFICIAL OR SUBORDINATE OF ANY POLICE DEPARTMENT IN THE

1 STATE, TO BE EITHER DIRECTLY OR INDIRECTLY INTERESTED IN THE MANUFACTURE
2 OR SALE OF MARIHUANA OR TO OFFER FOR SALE, OR RECOMMEND TO ANY LICENSEE
3 ANY MARIHUANA. A PERSON MAY NOT BE DENIED ANY LICENSE GRANTED UNDER THE
4 PROVISIONS OF SECTIONS FIFTY-FOUR, FIFTY-FIVE, FIFTY-NINE, SIXTY-THREE,
5 SIXTY-FOUR, SEVENTY-NINE, EIGHTY-ONE, OR ARTICLE SEVEN OF THIS CHAPTER
6 SOLELY ON THE GROUNDS OF BEING THE SPOUSE OF A PUBLIC SERVANT DESCRIBED
7 IN THIS SUBDIVISION. THE SOLICITATION OR RECOMMENDATION MADE TO ANY
8 LICENSEE, TO PURCHASE ANY MARIHUANA BY ANY POLICE OFFICIAL OR SUBORDI-
9 NATE AS HEREINABOVE DESCRIBED, SHALL BE PRESUMPTIVE EVIDENCE OF THE
10 INTEREST OF SUCH OFFICIAL OR SUBORDINATE IN THE MANUFACTURE OR SALE OF
11 MARIHUANA.

12 2. NO ELECTIVE VILLAGE OFFICER SHALL BE SUBJECT TO THE LIMITATIONS SET
13 FORTH IN SUBDIVISION ONE OF THIS SECTION UNLESS SUCH ELECTIVE VILLAGE
14 OFFICER SHALL BE ASSIGNED DUTIES DIRECTLY RELATING TO THE OPERATION OR
15 MANAGEMENT OF THE POLICE DEPARTMENT.

16 S 170. PROVISIONS GOVERNING MARIHUANA LICENSES. WITHIN TWO HUNDRED
17 FORTY DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE AUTHORITY SHALL
18 PERFORM SUCH ACTS, PRESCRIBE SUCH FORMS AND MAKE SUCH RULES, REGULATIONS
19 AND ORDERS AS IT MAY DEEM NECESSARY OR PROPER FULLY TO EFFECTUATE THE
20 PROVISIONS OF THIS ARTICLE, INCLUDING THOSE PERTAINING TO:

21 1. THE LICENSING OF MARIHUANA PRODUCERS, MARIHUANA PROCESSORS, MARI-
22 HUANA RETAILERS AND MARIHUANA RETAILERS FOR CONSUMPTION ON THE PREMISES,
23 INCLUDING PRESCRIBING FORMS AND ESTABLISHING APPLICATION, REINSTATEMENT,
24 AND RENEWAL FEES;

25 2. THE QUALIFICATIONS FOR LICENSURE;

26 3. THE BOOKS AND RECORDS TO BE CREATED AND MAINTAINED BY LICENSEES,
27 THE REPORTS TO BE MADE THEREON TO THE AUTHORITY, AND INSPECTION OF THE
28 BOOKS AND RECORDS;

29 4. METHODS OF PRODUCING, PROCESSING, AND PACKAGING MARIHUANA, MARIHUA-
30 NA-INFUSED PRODUCTS, AND CONCENTRATED CANNABIS; CONDITIONS OF SANITA-
31 TION, AND STANDARDS OF INGREDIENTS, QUALITY, AND IDENTITY OF MARIHUANA
32 PRODUCTS PRODUCED, PROCESSED, PACKAGED, OR SOLD BY LICENSEES;

33 5. SECURITY REQUIREMENTS FOR MARIHUANA RETAILERS AND PREMISES WHERE
34 MARIHUANA PRODUCTS ARE PRODUCED OR PROCESSED, AND SAFETY PROTOCOLS FOR
35 LICENSEES AND THEIR EMPLOYEES; AND

36 6. REQUIREMENTS TO PREVENT THE SALE OR DIVERSION OF MARIHUANA PRODUCTS
37 TO PERSONS UNDER THE AGE OF TWENTY-ONE.

38 7. SUCH REGULATIONS SHALL NOT PROHIBIT THE OPERATION OF MARIHUANA
39 ESTABLISHMENTS EITHER EXPRESSLY OR THROUGH REGULATIONS THAT MAKE THEIR
40 OPERATION UNREASONABLY IMPRACTICABLE.

41 S 171. PROVISIONS GOVERNING MARIHUANA PRODUCERS. 1. NO PRODUCER SHALL
42 SELL, OR AGREE TO SELL OR DELIVER IN THE STATE ANY MARIHUANA PRODUCTS,
43 AS THE CASE MAY BE, EXCEPT IN SEALED CONTAINERS CONTAINING QUANTITIES IN
44 ACCORDANCE WITH SIZE STANDARDS PURSUANT TO RULES ADOPTED BY THE LIQUOR
45 AUTHORITY. SUCH CONTAINERS SHALL HAVE AFFIXED THERETO SUCH LABELS AS MAY
46 BE REQUIRED BY THE RULES OF THE LIQUOR AUTHORITY, TOGETHER WITH ALL
47 NECESSARY NEW YORK STATE EXCISE TAX STAMPS, AS REQUIRED BY LAW.

48 2. NO PRODUCER SHALL TRANSPORT MARIHUANA PRODUCTS IN ANY VEHICLE OWNED
49 AND OPERATED OR HIRED AND OPERATED BY SUCH PRODUCER, UNLESS THERE SHALL
50 BE ATTACHED TO OR INSCRIBED UPON BOTH SIDES OF SUCH VEHICLE A SIGN,
51 SHOWING THE NAME AND ADDRESS OF THE LICENSEE, TOGETHER WITH THE FOLLOW-
52 ING INSCRIPTION: "NEW YORK STATE MARIHUANA PRODUCER LICENSE NO. . .," IN
53 UNIFORM LETTERS NOT LESS THAN THREE AND ONE-HALF INCHES IN HEIGHT. IN
54 LIEU OF SUCH SIGN A PRODUCER MAY HAVE IN THE CAB OF SUCH VEHICLE A
55 PHOTOSTATIC COPY OF ITS CURRENT LICENSE ISSUED BY THE AUTHORITY, AND
56 SUCH COPY DULY AUTHENTICATED BY THE AUTHORITY.

1 3. NO PRODUCER SHALL DELIVER ANY MARIHUANA PRODUCTS, EXCEPT IN VEHI-
2 CLES OWNED AND OPERATED BY SUCH PRODUCER, OR HIRED AND OPERATED BY SUCH
3 PRODUCER FROM A TRUCKING OR TRANSPORTATION COMPANY REGISTERED WITH THE
4 LIQUOR AUTHORITY, AND SHALL ONLY MAKE DELIVERIES AT THE LICENSED PREM-
5 ISES OF THE PURCHASER.

6 4. EACH PRODUCER SHALL KEEP AND MAINTAIN UPON THE LICENSED PREMISES,
7 ADEQUATE BOOKS AND RECORDS OF ALL TRANSACTIONS INVOLVING THE PRODUCER
8 AND SALE OF HIS OR ITS PRODUCTS, WHICH SHALL INCLUDE ALL INFORMATION
9 REQUIRED BY RULES PROMULGATED BY THE LIQUOR AUTHORITY. EACH SALE SHALL
10 BE RECORDED SEPARATELY ON A NUMBERED INVOICE, WHICH SHALL HAVE PRINTED
11 THEREON THE NUMBER, THE NAME OF THE LICENSEE, THE ADDRESS OF THE
12 LICENSED PREMISES, AND THE CURRENT LICENSE NUMBER. SUCH PRODUCER SHALL
13 DELIVER TO THE PURCHASER A TRUE DUPLICATE INVOICE STATING THE NAME AND
14 ADDRESS OF THE PURCHASER, THE QUANTITY PURCHASED, DESCRIPTION AND THE
15 PRICE OF THE PRODUCT, AND A TRUE, ACCURATE AND COMPLETE STATEMENT OF THE
16 TERMS AND CONDITIONS ON WHICH SUCH SALE IS MADE. SUCH BOOKS, RECORDS AND
17 INVOICES SHALL BE KEPT FOR A PERIOD OF TWO YEARS AND SHALL BE AVAILABLE
18 FOR INSPECTION BY ANY AUTHORIZED REPRESENTATIVE OF THE LIQUOR AUTHORITY.

19 5. NO PRODUCER SHALL FURNISH OR CAUSE TO BE FURNISHED TO ANY LICENSEE,
20 ANY EXTERIOR OR INTERIOR SIGN, PRINTED, PAINTED, ELECTRIC OR OTHERWISE,
21 EXCEPT AS AUTHORIZED BY THE LIQUOR AUTHORITY. THE LIQUOR AUTHORITY MAY
22 MAKE SUCH RULES AS IT DEEMS NECESSARY TO CARRY OUT THE PURPOSE AND
23 INTENT OF THIS SUBDIVISION.

24 S 172. PROVISIONS GOVERNING PROCESSORS. 1. NO PROCESSOR SHALL BE
25 ENGAGED IN ANY OTHER BUSINESS ON THE PREMISES TO BE LICENSED; EXCEPT
26 THAT NOTHING CONTAINED IN THIS CHAPTER SHALL PREVENT A MARIHUANA PRODUC-
27 ER AND A MARIHUANA PROCESSOR FROM OPERATING ON THE SAME PREMISES AND
28 FROM A PERSON HOLDING BOTH LICENSES.

29 2. NO PROCESSOR SHALL SELL, OR AGREE TO SELL OR DELIVER IN THE STATE
30 ANY MARIHUANA PRODUCTS, EXCEPT IN A SEALED PACKAGE CONTAINING QUANTITIES
31 IN ACCORDANCE WITH SIZE STANDARDS PURSUANT TO RULES ADOPTED BY THE
32 LIQUOR AUTHORITY. SUCH CONTAINERS SHALL HAVE AFFIXED THERETO SUCH LABELS
33 AS MAY BE REQUIRED BY THE RULES OF THE LIQUOR AUTHORITY, TOGETHER WITH
34 ALL NECESSARY NEW YORK STATE EXCISE TAX STAMPS, AS REQUIRED BY LAW.

35 3. EACH PROCESSOR SHALL HAVE PAINTED ON THE FRONT WINDOW OF THE
36 LICENSED PREMISES, OR IF THERE BE NO WINDOW, ON A SIGN AFFIXED TO THE
37 FRONT OF THE BUILDING CONTAINING SAID LICENSED PREMISES, THE NAME OF THE
38 LICENSEE TOGETHER WITH THE INSCRIPTION, "NEW YORK STATE MARIHUANA
39 PROCESSOR OR MARIHUANA PROCESSOR LICENSE NUMBER _____"; AS
40 THE CASE MAY BE, IN UNIFORM LETTERS NOT LESS THAN THREE AND ONE-HALF
41 INCHES IN HEIGHT.

42 4. NO PROCESSOR SHALL TRANSPORT MARIHUANA PRODUCTS IN ANY VEHICLE
43 OWNED AND OPERATED OR HIRED AND OPERATED BY SUCH PROCESSOR, UNLESS THERE
44 SHALL BE ATTACHED TO OR INSCRIBED UPON BOTH SIDES OF SUCH VEHICLE A
45 SIGN, SHOWING THE NAME AND ADDRESS OF THE LICENSEE, TOGETHER WITH THE
46 FOLLOWING INSCRIPTION: "NEW YORK STATE MARIHUANA PROCESSOR OR MARIHUANA
47 PROCESSOR LICENSE NUMBER , " AS THE CASE MAY BE, IN
48 UNIFORM LETTERS NOT LESS THAN THREE AND ONE-HALF INCHES IN HEIGHT. IN
49 LIEU OF SUCH SIGN, A PROCESSOR MAY HAVE IN THE CAB OF SUCH VEHICLE A
50 PHOTOSTATIC COPY OF ITS CURRENT LICENSE ISSUED BY THE AUTHORITY, AND
51 SUCH COPY DULY AUTHENTICATED BY THE AUTHORITY.

52 5. NO PROCESSOR SHALL DELIVER ANY PRODUCTS, EXCEPT IN VEHICLES OWNED
53 AND OPERATED BY SUCH PROCESSOR, OR HIRED AND OPERATED BY SUCH PROCESSOR
54 FROM A TRUCKING OR TRANSPORTATION COMPANY REGISTERED WITH THE LIQUOR
55 AUTHORITY, AND SHALL ONLY MAKE DELIVERIES AT THE LICENSED PREMISES OF
56 THE PURCHASER.

1 6. EACH PROCESSOR SHALL KEEP AND MAINTAIN UPON THE LICENSED PREMISES,
2 ADEQUATE BOOKS AND RECORDS OF ALL TRANSACTIONS INVOLVING THE BUSINESS
3 TRANSACTED BY SUCH PROCESSOR, WHICH SHALL SHOW THE AMOUNT OF MARIHUANA
4 PRODUCTS, PURCHASED BY SUCH PROCESSOR TOGETHER WITH THE NAMES, LICENSE
5 NUMBERS AND PLACES OF BUSINESS OF THE PERSONS FROM WHOM THE SAME WAS
6 PURCHASED AND THE AMOUNT INVOLVED IN SUCH PURCHASES, AS WELL AS THE
7 AMOUNT OF MARIHUANA PRODUCTS SOLD BY SUCH PROCESSOR TOGETHER WITH THE
8 NAMES, ADDRESSES, AND LICENSE NUMBERS OF SUCH PURCHASERS. EACH SALE
9 SHALL BE RECORDED SEPARATELY ON A NUMBERED INVOICE, WHICH SHALL HAVE
10 PRINTED THEREON THE NUMBER, THE NAME OF THE LICENSEE, THE ADDRESS OF THE
11 LICENSED PREMISES, AND THE CURRENT LICENSE NUMBER. SUCH PROCESSOR SHALL
12 DELIVER TO THE PURCHASER A TRUE DUPLICATE INVOICE STATING THE NAME AND
13 ADDRESS OF THE PURCHASER, QUANTITY PURCHASED, DESCRIPTION AND THE PRICE
14 OF THE PRODUCT, AND A TRUE, ACCURATE AND COMPLETE STATEMENT OF THE TERMS
15 AND CONDITIONS ON WHICH SUCH SALE IS MADE. SUCH BOOKS, RECORDS AND
16 INVOICES SHALL BE KEPT FOR A PERIOD OF TWO YEARS AND SHALL BE AVAILABLE
17 FOR INSPECTION BY ANY AUTHORIZED REPRESENTATIVE OF THE LIQUOR AUTHORITY.

18 7. NO PROCESSOR SHALL FURNISH OR CAUSE TO BE FURNISHED TO ANY LICEN-
19 SEE, ANY EXTERIOR OR INTERIOR SIGN, PRINTED, PAINTED, ELECTRIC OR OTHER-
20 WISE, UNLESS AUTHORIZED BY THE LIQUOR AUTHORITY.

21 S 173. PROVISIONS GOVERNING MARIHUANA RETAILERS. 1. NO RETAIL LICENSE
22 SHALL BE GRANTED FOR ANY PREMISES, UNLESS THE APPLICANT SHALL BE THE
23 OWNER THEREOF, OR SHALL BE IN POSSESSION OF SAID PREMISES UNDER A LEASE,
24 MANAGEMENT AGREEMENT OR OTHER AGREEMENT GIVING THE APPLICANT CONTROL
25 OVER THE PREMISES, IN WRITING, FOR A TERM NOT LESS THAN THE LICENSE
26 PERIOD.

27 2. NO PREMISES SHALL BE LICENSED TO SELL MARIHUANA PRODUCTS, UNLESS
28 SAID PREMISES SHALL BE LOCATED IN A STORE, THE PRINCIPAL ENTRANCE TO
29 WHICH SHALL BE FROM THE STREET LEVEL AND LOCATED ON A PUBLIC THOROUGH-
30 FARE IN PREMISES WHICH MAY BE OCCUPIED, OPERATED OR CONDUCTED FOR BUSI-
31 NESS, TRADE OR INDUSTRY OR ON AN ARCADE OR SUB-SURFACE THOROUGHFARE
32 LEADING TO A RAILROAD TERMINAL. THERE MAY BE NOT MORE THAN ONE ADDI-
33 TIONAL ENTRANCE WHICH SHALL BE FROM THE STREET LEVEL AND LOCATED ON AND
34 GIVING ACCESS TO AND FROM A PUBLIC OR PRIVATE PARKING LOT OR PARKING
35 AREA HAVING SPACE FOR NOT LESS THAN FIVE AUTOMOBILES.

36 3. NO MARIHUANA RETAIL LICENSE SHALL BE GRANTED FOR ANY PREMISES WHICH
37 A LICENSE WOULD NOT BE ALLOWED TO SELL AT RETAIL FOR CONSUMPTION OF
38 ALCOHOL OFF THE PREMISES BASED ON ITS PROXIMITY TO A BUILDING OCCUPIED
39 EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP
40 PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED FIVE OF THIS CHAPTER.

41 4. NO MARIHUANA RETAIL LICENSEE SHALL OFFER FOR SALE ANY MARIHUANA
42 PRODUCTS IN ANY OTHER CONTAINER, EXCEPT IN THE ORIGINAL SEALED PACKAGE,
43 AS RECEIVED FROM THE PRODUCER OR PROCESSOR. SUCH CONTAINERS SHALL HAVE
44 AFFIXED THERETO SUCH LABELS AS MAY BE REQUIRED BY THE RULES OF THE
45 LIQUOR AUTHORITY, TOGETHER WITH ALL NEW YORK STATE EXCISE TAX STAMPS, AS
46 REQUIRED BY LAW. SUCH CONTAINERS SHALL NOT BE OPENED NOR ITS CONTENTS
47 CONSUMED ON THE PREMISES WHERE SOLD.

48 5. NO MARIHUANA RETAIL LICENSEE SHALL SELL OR TRANSFER MARIHUANA
49 PRODUCTS TO ANY PERSON UNDER THE AGE OF TWENTY-ONE YEARS.

50 6. NO MARIHUANA RETAIL LICENSEE SHALL SELL ALCOHOLIC BEVERAGES ON THE
51 SAME PREMISES WHERE MARIHUANA PRODUCTS ARE SOLD.

52 7. EACH PERSON LICENSED AS A MARIHUANA RETAILER SHALL HAVE PAINTED ON
53 THE FRONT WINDOW OF THE LICENSED PREMISES, THE NAME OF THE LICENSEE
54 TOGETHER WITH THE INSCRIPTION, "NEW YORK STATE RETAIL MARIHUANA STORE
55 LICENSE NO.," AS THE CASE MAY BE, IN UNIFORM LETTERS NOT LESS
56 THAN THREE AND ONE-HALF INCHES IN HEIGHT.

1 8. NO SIGN OF ANY KIND PRINTED, PAINTED OR ELECTRIC, ADVERTISING ANY
2 BRAND SHALL BE PERMITTED ON THE EXTERIOR OR INTERIOR OF SUCH PREMISES,
3 EXCEPT BY PERMISSION OF THE LIQUOR AUTHORITY.

4 9. NO RETAIL LICENSEE SHALL TRANSPORT MARIHUANA PRODUCTS IN ANY VEHI-
5 CLE OWNED AND OPERATED OR HIRED AND OPERATED BY SUCH RETAIL LICENSEE,
6 EXCEPT PRODUCTS TRANSPORTED TO THE HOME OF A PURCHASER NOT TO BE RESOLD
7 BY THE PURCHASER, UNLESS THERE SHALL BE ATTACHED TO OR INSCRIBED UPON
8 BOTH SIDES OF SUCH VEHICLE A SIGN, SHOWING THE NAME AND ADDRESS OF THE
9 LICENSEE TOGETHER WITH THE FOLLOWING INSCRIPTION, "NEW YORK STATE RETAIL
10 MARIHUANA STORE LICENSE NO. , " AS THE CASE MAY BE, IN
11 UNIFORM LETTERS NOT LESS THAN THREE AND ONE-HALF INCHES IN HEIGHT,
12 EXCEPT DELIVERIES MAY BE MADE IN PASSENGER TYPE VEHICLES OWNED BY THE
13 LICENSEE AND OPERATED BY THE LICENSEE OR HIS OR HER AGENT, OR HIRED BY
14 THE LICENSEE AND OPERATED BY THE LICENSEE OR HIS OR HER AGENT, PROVIDED
15 THE PERSON MAKING THE DELIVERY SHALL HAVE UPON HIS OR HER PERSON WHILE
16 SO DELIVERING A PHOTOSTATIC COPY OF THE CURRENT LICENSE ISSUED BY THE
17 AUTHORITY. IN LIEU OF SUCH SIGN, A RETAIL LICENSEE MAY HAVE IN THE CAB
18 OF SUCH VEHICLE A PHOTOSTATIC COPY OF ITS CURRENT LICENSE ISSUED BY THE
19 AUTHORITY, AND SUCH COPY DULY AUTHENTICATED BY THE AUTHORITY.

20 10. NO RETAIL LICENSEE SHALL DELIVER ANY MARIHUANA PRODUCTS EXCEPT IN
21 VEHICLES OWNED AND OPERATED BY SUCH LICENSEE, OR HIRED AND OPERATED BY
22 SUCH LICENSEE FROM A TRUCKING OR TRANSPORTATION COMPANY REGISTERED WITH
23 THE LIQUOR AUTHORITY, AND SHALL ONLY MAKE SUCH DELIVERIES AT THE PREM-
24 ISES OF THE PURCHASER.

25 11. NO RETAIL LICENSEE SHALL KEEP OR PERMIT TO BE KEPT UPON THE
26 LICENSED PREMISES, ANY MARIHUANA PRODUCTS IN ANY UNSEALED CONTAINER.

27 12. NO RETAIL LICENSEE SHALL SELL OR DELIVER ANY MARIHUANA PRODUCTS TO
28 ANY PERSON WITH KNOWLEDGE OF, OR WITH REASONABLE CAUSE TO BELIEVE, THAT
29 THE PERSON TO WHOM SUCH MARIHUANA PRODUCTS, HAS ACQUIRED THE SAME FOR
30 THE PURPOSE OF PEDDLING THEM FROM PLACE TO PLACE, OR OF SELLING OR
31 GIVING THEM AWAY IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER OR IN
32 VIOLATION OF THE RULES AND REGULATIONS OF THE LIQUOR AUTHORITY.

33 13. NO PREMISES LICENSED AS A MARIHUANA RETAILER SHALL BE PERMITTED TO
34 REMAIN OPEN DURING A TIME WHEN A PREMISES LICENSED TO SELL LIQUOR AND/OR
35 WINE FOR OFF-PREMISES CONSUMPTION IS NOT PERMITTED TO REMAIN OPEN PURSU-
36 ANT TO THE PROVISIONS OF SECTION ONE HUNDRED FIVE OF THIS CHAPTER.

37 14. EACH MARIHUANA RETAIL LICENSEE SHALL KEEP AND MAINTAIN UPON THE
38 LICENSED PREMISES, ADEQUATE BOOKS AND RECORDS OF ALL TRANSACTIONS
39 INVOLVING THE BUSINESS TRANSACTED BY SUCH LICENSEE, WHICH SHALL SHOW THE
40 AMOUNT OF MARIHUANA PRODUCTS, PURCHASED BY SUCH LICENSEE TOGETHER WITH
41 THE NAMES, LICENSE NUMBERS AND PLACES OF BUSINESS OF THE PERSONS FROM
42 WHOM THE SAME WERE PURCHASED, AND THE AMOUNT INVOLVED IN SUCH PURCHASES,
43 AS WELL AS THE AMOUNT OF MARIHUANA PRODUCTS, SOLD BY SUCH LICENSEE, AND
44 THE AMOUNT INVOLVED IN EACH SALE. SUCH BOOKS AND RECORDS SHALL BE AVAIL-
45 ABLE FOR INSPECTION BY ANY AUTHORIZED REPRESENTATIVE OF THE LIQUOR
46 AUTHORITY.

47 15. NO MARIHUANA RETAIL LICENSEE SHALL BE INTERESTED, DIRECTLY OR
48 INDIRECTLY, IN ANY PREMISES WHERE MARIHUANA PRODUCTS ARE PRODUCED OR
49 PROCESSED OR ANY OTHER PREMISES WHERE MARIHUANA PRODUCTS ARE SOLD AT
50 RETAIL, BY STOCK OWNERSHIP, INTERLOCKING DIRECTORS, MORTGAGE OR LIEN ON
51 ANY PERSONAL OR REAL PROPERTY OR BY ANY OTHER MEANS.

52 16. NO MARIHUANA RETAIL LICENSEE SHALL MAKE OR CAUSE TO BE MADE ANY
53 LOAN TO ANY PERSON ENGAGED IN THE PRODUCTION, PROCESSING OR SALE OF
54 MARIHUANA PRODUCTS.

55 17. ALL PREMISES LICENSED UNDER THIS SECTION SHALL BE SUBJECT TO
56 INSPECTION BY ANY PEACE OFFICER DESCRIBED IN SUBDIVISION FOUR OF SECTION

2.10 OF THE CRIMINAL PROCEDURE LAW ACTING PURSUANT TO HIS OR HER SPECIAL DUTIES, OR POLICE OFFICER OR ANY DULY AUTHORIZED REPRESENTATIVE OF THE LIQUOR AUTHORITY, DURING THE HOURS WHEN THE SAID PREMISES ARE OPEN FOR THE TRANSACTION OF BUSINESS.

S 174. PROVISIONS GOVERNING MARIHUANA RETAILERS FOR CONSUMPTION ON PREMISES. 1. NO MARIHUANA RETAILER LICENSE FOR CONSUMPTION ON PREMISES SHALL BE GRANTED FOR A PREMISES LOCATED IN WHOLE OR IN PART INSIDE THE BOUNDARIES OF ANY CITY, VILLAGE OR TOWN, UNLESS THE LOCAL LEGISLATIVE BODY OF SUCH CITY, VILLAGE OR TOWN, BY RESOLUTION, EXPRESSLY AUTHORIZES THE LICENSING OF SUCH FACILITIES IN SUCH CITY, VILLAGE OR TOWN. THE LOCAL LEGISLATIVE BODY MAY DIRECT AN APPROPRIATE OFFICER, BOARD OR BODY OF SUCH CITY, VILLAGE OR TOWN AS THE LOCAL LICENSING AUTHORITY TO AUTHORIZE INDIVIDUAL MARIHUANA FACILITY LICENSE APPLICATIONS. IN CITIES OF ONE MILLION OR MORE RESIDENTS, SHOULD THE LOCAL LEGISLATIVE BODY AUTHORIZE SUCH LICENSE, NO MARIHUANA RETAILER LICENSE FOR CONSUMPTION ON PREMISES SHALL BE GRANTED UNLESS THE COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH THE PREMISES WILL BE LOCATED SHALL ALSO AUTHORIZE SUCH LICENSE.

2. NO MARIHUANA RETAILER LICENSE FOR ON-PREMISES CONSUMPTION SHALL BE GRANTED FOR ANY PREMISES, UNLESS THE APPLICANT SHALL BE THE OWNER THEREOF, OR SHALL BE IN POSSESSION OF SAID PREMISES UNDER A LEASE, IN WRITING, FOR A TERM NOT LESS THAN THE LICENSE PERIOD EXCEPT, HOWEVER, THAT SUCH LICENSE MAY THEREAFTER BE RENEWED WITHOUT THE REQUIREMENT OF A LEASE AS HEREIN PROVIDED. THIS SUBDIVISION SHALL NOT APPLY TO PREMISES LEASED FROM GOVERNMENT AGENCIES, AS DEFINED UNDER SUBDIVISION TWELVE-C OF SECTION THREE OF THIS CHAPTER; PROVIDED, HOWEVER, THAT THE APPROPRIATE ADMINISTRATOR OF SUCH GOVERNMENT AGENCY PROVIDES SOME FORM OF WRITTEN DOCUMENTATION REGARDING THE TERMS OF OCCUPANCY UNDER WHICH THE APPLICANT IS LEASING SAID PREMISES FROM THE GOVERNMENT AGENCY FOR PRESENTATION TO THE STATE LIQUOR AUTHORITY AT THE TIME OF THE LICENSE APPLICATION. SUCH DOCUMENTATION SHALL INCLUDE THE TERMS OF OCCUPANCY BETWEEN THE APPLICANT AND THE GOVERNMENT AGENCY, INCLUDING, BUT NOT LIMITED TO, ANY SHORT-TERM LEASING AGREEMENTS OR WRITTEN OCCUPANCY AGREEMENTS.

3. NO MARIHUANA RETAILER LICENSE FOR ON-PREMISES CONSUMPTION SHALL BE GRANTED FOR ANY PREMISES WHERE A LICENSE WOULD NOT BE ALLOWED TO SELL AT RETAIL FOR CONSUMPTION OF ALCOHOL ON THE PREMISES BASED ON ITS PROXIMITY TO A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED FIVE OF THIS CHAPTER.

4. THE AUTHORITY MAY CONSIDER ANY OR ALL OF THE FOLLOWING IN DETERMINING WHETHER PUBLIC CONVENIENCE AND ADVANTAGE AND THE PUBLIC INTEREST WILL BE PROMOTED BY THE GRANTING OF LICENSES AND PERMITS FOR RETAIL LICENSE FOR ON-PREMISES CONSUMPTION AT A PARTICULAR UNLICENSED LOCATION:

(A) THE NUMBER, CLASSES AND CHARACTER OF LICENSES IN PROXIMITY TO THE LOCATION AND IN THE PARTICULAR MUNICIPALITY OR SUBDIVISION THEREOF.

(B) EVIDENCE THAT ALL NECESSARY LICENSES AND PERMITS HAVE BEEN OBTAINED FROM THE STATE AND ALL OTHER GOVERNING BODIES.

(C) EFFECT OF THE GRANT OF THE LICENSE ON VEHICULAR TRAFFIC AND PARKING IN PROXIMITY TO THE LOCATION.

(D) THE EXISTING NOISE LEVEL AT THE LOCATION AND ANY INCREASE IN NOISE LEVEL THAT WOULD BE GENERATED BY THE PROPOSED PREMISES.

(E) THE HISTORY OF MARIHUANA VIOLATIONS AND REPORTED CRIMINAL ACTIVITY AT THE PROPOSED PREMISES.

1 (F) ANY OTHER FACTORS SPECIFIED BY LAW OR REGULATION THAT ARE RELEVANT
2 TO DETERMINE THE PUBLIC CONVENIENCE AND ADVANTAGE AND PUBLIC INTEREST OF
3 THE COMMUNITY.

4 5. IF THE AUTHORITY SHALL DISAPPROVE AN APPLICATION FOR A LICENSE OR
5 PERMIT, IT SHALL STATE AND FILE IN ITS OFFICES THE REASONS THEREFOR AND
6 SHALL NOTIFY THE APPLICANT THEREOF. SUCH APPLICANT MAY THEREUPON APPLY
7 TO THE AUTHORITY FOR A REVIEW OF SUCH ACTION IN A MANNER TO BE
8 PRESCRIBED BY THE RULES OF THE AUTHORITY. A HEARING UPON NOTICE TO THE
9 APPLICANT SHALL THEREUPON BE HELD BY THE AUTHORITY OR BY ONE OF ITS
10 MEMBERS AT ITS OFFICE MOST CONVENIENTLY SITUATED TO THE OFFICE OF ITS
11 DULY AUTHORIZED REPRESENTATIVE IN A MANNER TO BE PRESCRIBED IN ITS
12 RULES; AND ON SUCH HEARING PROOF MAY BE TAKEN BY ORAL TESTIMONY OR BY
13 AFFIDAVIT RELATIVE THERETO. AFTER SUCH HEARING, IF THE AUTHORITY
14 CONFIRMS SUCH DISAPPROVAL, IT SHALL ENDORSE SUCH APPLICATION ACCORDINGLY
15 AND SHALL SEND NOTICE TO THE APPLICANT OF ITS ACTION IN SUCH FORM AS THE
16 AUTHORITY MAY PRESCRIBE. IF THE AUTHORITY DOES NOT CONFIRM THE DISAP-
17 PROVAL ACTION IT MAY GRANT SUCH APPLICATION AND ISSUE SUCH LICENSE.

18 6. NO MARIHUANA RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION, EXCEPT
19 PERSONS OR CORPORATIONS OPERATING A HOTEL, AS DEFINED IN SUBDIVISION
20 FOURTEEN OF SECTION THREE OF THIS CHAPTER, FOR EXCLUSIVE USE IN THE
21 FURNISHING OF ROOM SERVICE IN THE MANNER PRESCRIBED BY RULE OR REGU-
22 LATION OF THE STATE LIQUOR AUTHORITY, SHALL KEEP UPON THE LICENSED PREM-
23 ISES ANY MARIHUANA PRODUCTS, EXCEPT THOSE PURCHASED FROM A LICENSED
24 PRODUCER, AND IN CONTAINERS APPROVED BY THE LIQUOR AUTHORITY. SUCH
25 CONTAINERS SHALL HAVE AFFIXED THERETO SUCH LABELS AS MAY BE REQUIRED BY
26 THE RULES OF THE LIQUOR AUTHORITY, TOGETHER WITH ALL NECESSARY EXCISE
27 STAMPS AS REQUIRED BY LAW. NO MARIHUANA RETAIL LICENSEE FOR ON-PREMISES
28 CONSUMPTION SHALL REUSE, REFILL, TAMPER WITH, ADULTERATE, DILUTE OR
29 FORTIFY THE CONTENTS OF ANY CONTAINER OF MARIHUANA PRODUCTS AS RECEIVED
30 FROM THE MANUFACTURER OR WHOLESALER.

31 7. NO MARIHUANA RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION SHALL
32 SELL, DELIVER OR GIVE AWAY, OR CAUSE OR PERMIT OR PROCURE TO BE SOLD,
33 DELIVERED OR GIVEN AWAY ANY MARIHUANA FOR CONSUMPTION ON THE PREMISES
34 WHERE SOLD IN A CONTAINER OR PACKAGE CONTAINING MORE THAN ONE GRAM OF
35 MARIHUANA.

36 8. NO MARIHUANA PRODUCTS SHALL BE SOLD, OFFERED FOR SALE OR GIVEN AWAY
37 UPON ANY PREMISES LICENSED TO SELL MARIHUANA PRODUCTS FOR ON-PREMISES
38 CONSUMPTION, DURING THE FOLLOWING HOURS: (A) SUNDAY, FROM FOUR ANTE
39 MERIDIEM TO TWELVE NOON; OR (B) ON ANY OTHER DAY BETWEEN FOUR ANTE MERI-
40 DIEM AND EIGHT ANTE MERIDIEM. IF APPROVED BY THE AUTHORITY OR RULE
41 HAVING BEEN ADOPTED IN A COUNTY, FURTHER RESTRICTIONS OF HOURS OF SALE
42 FOR MARIHUANA PRODUCTS SHALL BE ENFORCEABLE, SUCH RESTRICTED HOURS SHALL
43 BE THE HOURS, DURING WHICH THE SALE OF MARIHUANA PRODUCTS FOR ON-PREMIS-
44 ES CONSUMPTION SHALL NOT BE PERMITTED WITHIN SUCH COUNTY. NOR SHALL ANY
45 PERSON BE PERMITTED TO CONSUME ANY MARIHUANA PRODUCTS UPON ANY SUCH
46 PREMISES LATER THAN ONE-HALF HOUR AFTER THE START OF THE PROHIBITED
47 HOURS OF SALE PROVIDED FOR IN THIS SECTION.

48 9. NO PERSON LICENSED TO SELL MARIHUANA PRODUCTS FOR ON-PREMISES
49 CONSUMPTIONS SHALL SUFFER OR PERMIT ANY GAMBLING ON THE LICENSED PREM-
50 ISES, OR SUFFER OR PERMIT SUCH PREMISES TO BECOME DISORDERLY. THE USE OF
51 THE LICENSED PREMISES, OR ANY PART THEREOF, FOR THE SALE OF LOTTERY
52 TICKETS, PLAYING OF BINGO OR GAMES OF CHANCE, OR AS A SIMULCAST FACILITY
53 OR SIMULCAST THEATER PURSUANT TO THE RACING, PARI-MUTUEL WAGERING AND
54 BREEDING LAW, WHEN DULY AUTHORIZED AND LAWFULLY CONDUCTED THEREON, SHALL
55 NOT CONSTITUTE GAMBLING WITHIN THE MEANING OF THIS SUBDIVISION.

1 (A) NO MARIHUANA RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION SHALL
2 SUFFER OR PERMIT ANY PERSON TO APPEAR ON LICENSED PREMISES IN SUCH
3 MANNER OR ATTIRE AS TO EXPOSE TO VIEW ANY PORTION OF THE PUBIC AREA,
4 ANUS, VULVA OR GENITALS, OR ANY SIMULATION THEREOF, NOR SHALL SUFFER OR
5 PERMIT ANY FEMALE TO APPEAR ON LICENSED PREMISES IN SUCH MANNER OR
6 ATTIRE AS TO EXPOSE TO VIEW ANY PORTION OF THE BREAST BELOW THE TOP OF
7 THE AREOLA, OR ANY SIMULATION THEREOF.

8 (B) NO MARIHUANA RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION SHALL
9 SUFFER OR PERMIT ANY CONTEST OR PROMOTION WHICH ENDANGERS THE HEALTH,
10 SAFETY, AND WELFARE OF ANY PERSON WITH DWARFISM. ANY LICENSEE IN
11 VIOLATION OF THIS SECTION SHALL BE SUBJECT TO THE SUSPENSION OR REVOCATION
12 OF SAID LICENSEE'S LICENSE TO SELL MARIHUANA PRODUCTS FOR ON-PREMISES
13 CONSUMPTION. FOR THE PURPOSES OF THIS SECTION, THE TERM "DWARFISM"
14 MEANS A CONDITION OF BEING ABNORMALLY SMALL WHICH IS CAUSED BY HEREDITY,
15 ENDOCRINE DYSFUNCTION, RENAL INSUFFICIENCY OR DEFICIENCY OR SKELETAL
16 DISEASES THAT RESULT IN DISPROPORTIONATE SHORT STATURE AND ADULT HEIGHT
17 OF LESS THAN FOUR FEET TEN INCHES.

18 (C) NO RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION SHALL SUFFER,
19 PERMIT OR PROMOTE AN EVENT ON ITS PREMISES WHEREIN THE CONTESTANTS
20 DELIVER, OR ARE NOT FORBIDDEN BY THE APPLICABLE RULES THEREOF FROM
21 DELIVERING KICKS, PUNCHES OR BLOWS OF ANY KIND TO THE BODY OF AN OPPO-
22 NENT OR OPPONENTS, WHETHER OR NOT THE EVENT CONSISTS OF A PROFESSIONAL
23 MATCH OR EXHIBITION, AND WHETHER OR NOT THE EVENT OR ANY SUCH ACT, OR
24 BOTH, IS DONE FOR COMPENSATION; PROVIDED, HOWEVER, THAT THIS PROHIBITION
25 SHALL NOT BE APPLIED TO ANY PROFESSIONAL MATCH OR EXHIBITION WHICH
26 CONSISTS OF BOXING, SPARRING, WRESTLING, OR MARTIAL ARTS AND WHICH IS
27 EXCEPTED FROM THE DEFINITION OF THE TERM "COMBATIVE SPORT" CONTAINED IN
28 SUBDIVISION ONE OF SECTION FIVE-A OF CHAPTER NINE HUNDRED TWELVE OF THE
29 LAWS OF NINETEEN HUNDRED TWENTY.

30 (D) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A VIOLATION OF
31 THIS SUBDIVISION SHALL CONSTITUTE AN ADEQUATE GROUND FOR INSTITUTING A
32 PROCEEDING TO SUSPEND, CANCEL OR REVOKE THE LICENSE OF THE VIOLATOR IN
33 ACCORDANCE WITH THE APPLICABLE PROCEDURES SPECIFIED IN SECTION ONE
34 HUNDRED NINETEEN OF THIS CHAPTER.

35 10. EXCEPT WHERE A PERMIT TO DO SO IS OBTAINED PURSUANT TO SECTION
36 405.10 OF THE PENAL LAW, NO RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION
37 SHALL SUFFER, PERMIT, OR PROMOTE AN EVENT ON ITS PREMISES WHEREIN ANY
38 PERSON SHALL USE, EXPLODE, OR CAUSE TO EXPLODE, ANY FIREWORKS OR OTHER
39 PYROTECHNICS IN A BUILDING AS DEFINED IN PARAGRAPH E OF SUBDIVISION ONE
40 OF SECTION 405.10 OF THE PENAL LAW, THAT IS COVERED BY SUCH LICENSE OR
41 POSSESS SUCH FIREWORKS OR PYROTECHNICS FOR SUCH PURPOSE. IN ADDITION TO
42 ANY OTHER PENALTY PROVIDED BY LAW, A VIOLATION OF THIS SUBDIVISION SHALL
43 CONSTITUTE AN ADEQUATE GROUND FOR INSTITUTING A PROCEEDING TO SUSPEND,
44 CANCEL, OR REVOKE THE LICENSE OF THE VIOLATOR IN ACCORDANCE WITH THE
45 APPLICABLE PROCEDURES SPECIFIED IN SECTION ONE HUNDRED NINETEEN OF THIS
46 CHAPTER; PROVIDED HOWEVER, IF MORE THAN ONE LICENSEE IS PARTICIPATING IN
47 A SINGLE EVENT, UPON APPROVAL BY THE AUTHORITY, ONLY ONE LICENSEE MUST
48 OBTAIN SUCH PERMIT.

49 11. NO RESTAURANT AND NO PREMISES LICENSED TO SELL MARIHUANA PRODUCTS
50 FOR ON-PREMISES CONSUMPTION UNDER PARAGRAPH (A) OF SUBDIVISION SIX OF
51 SECTION SIXTY-FOUR-A OF THIS CHAPTER SHALL BE PERMITTED TO HAVE ANY
52 OPENING OR MEANS OF ENTRANCE OR PASSAGEWAY FOR PERSONS OR THINGS BETWEEN
53 THE LICENSED PREMISES AND ANY OTHER ROOM OR PLACE IN THE BUILDING
54 CONTAINING THE LICENSED PREMISES, OR ANY ADJOINING OR ABUTTING PREMISES,
55 UNLESS INGRESS AND EGRESS IS RESTRICTED BY AN EMPLOYEE, AGENT OF THE
56 LICENSEE, OR OTHER APPROVED METHOD OF CONTROLLING ACCESS TO THE FACILI-

TY, OR UNLESS SUCH PREMISES ARE A BONA FIDE RESTAURANT WITH SUCH ACCESS FOR PATRONS AND GUESTS FROM ANY PART OF SUCH BUILDING OR ADJOINING OR ABUTTING PREMISES AS SHALL SERVE PUBLIC CONVENIENCE IN A REASONABLE AND SUITABLE MANNER; OR UNLESS SUCH LICENSED PREMISES ARE IN A BUILDING OWNED OR OPERATED BY ANY COUNTY, TOWN, CITY, VILLAGE OR PUBLIC AUTHORITY OR AGENCY, IN A PARK OR OTHER SIMILAR PLACE OF PUBLIC ACCOMMODATION. ALL GLASS IN ANY WINDOW OR DOOR ON SAID LICENSED PREMISES SHALL BE CLEAR AND SHALL NOT BE OPAQUE, COLORED, STAINED OR FROSTED.

12. A VESSEL LICENSED TO SELL MARIHUANA PRODUCTS FOR ON-PREMISES CONSUMPTION SHALL NOT BE PERMITTED TO SELL ANY MARIHUANA PRODUCTS, WHILE SAID VESSEL IS MOORED TO A PIER OR DOCK, EXCEPT THAT VESSELS SAILING ON ESTABLISHED SCHEDULES SHALL BE PERMITTED TO SELL MARIHUANA PRODUCTS FOR A PERIOD OF THREE HOURS PRIOR TO THE REGULAR ADVERTISED SAILING TIME.

13. EACH RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION SHALL KEEP AND MAINTAIN UPON THE LICENSED PREMISES, ADEQUATE RECORDS OF ALL TRANSACTIONS INVOLVING THE BUSINESS TRANSACTED BY SUCH LICENSEE WHICH SHALL SHOW THE AMOUNT OF MARIHUANA PRODUCTS, IN AN APPLICABLE METRIC MEASUREMENT, PURCHASED BY SUCH LICENSEE TOGETHER WITH THE NAMES, LICENSE NUMBERS AND PLACES OF BUSINESS OF THE PERSONS FROM WHOM THE SAME WERE PURCHASED, THE AMOUNT INVOLVED IN SUCH PURCHASES, AS WELL AS THE SALES OF MARIHUANA PRODUCTS MADE BY SUCH LICENSEE. THE LIQUOR AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGULATIONS PERMITTING AN ON-PREMISES LICENSEE OPERATING TWO OR MORE PREMISES SEPARATELY LICENSED TO SELL MARIHUANA PRODUCTS FOR ON-PREMISES CONSUMPTION TO INAUGURATE OR RETAIN IN THIS STATE METHODS OR PRACTICES OF CENTRALIZED ACCOUNTING, BOOKKEEPING, CONTROL RECORDS, REPORTING, BILLING, INVOICING OR PAYMENT RESPECTING PURCHASES, SALES OR DELIVERIES OF MARIHUANA PRODUCTS, OR METHODS AND PRACTICES OF CENTRALIZED RECEIPT OR STORAGE OF MARIHUANA PRODUCTS WITHIN THIS STATE WITHOUT SEGREGATION OR EARMARKING FOR ANY SUCH SEPARATELY LICENSED PREMISES, WHEREVER SUCH METHODS AND PRACTICES ASSURE THE AVAILABILITY, AT SUCH LICENSEE'S CENTRAL OR MAIN OFFICE IN THIS STATE, OF DATA REASONABLY NEEDED FOR THE ENFORCEMENT OF THIS CHAPTER. SUCH RECORDS SHALL BE AVAILABLE FOR INSPECTION BY ANY AUTHORIZED REPRESENTATIVE OF THE LIQUOR AUTHORITY.

14. NO RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION SHALL BE INTERESTED, DIRECTLY OR INDIRECTLY, IN ANY PREMISES WHERE MARIHUANA PRODUCTS ARE MANUFACTURED OR SOLD AT WHOLESALE, BY STOCK OWNERSHIP, INTERLOCKING DIRECTORS, MORTGAGE OR LIEN ON ANY PERSONAL OR REAL PROPERTY OR BY ANY OTHER MEANS.

15. NO RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION SHALL MAKE OR CAUSE TO BE MADE ANY LOAN TO ANY PERSON ENGAGED IN THE MANUFACTURE OR SALE OF MARIHUANA PRODUCTS AT WHOLESALE.

16. ALL RETAIL LICENSED PREMISES SHALL BE SUBJECT TO INSPECTION BY ANY PEACE OFFICER, ACTING PURSUANT TO HIS OR HER SPECIAL DUTIES, OR POLICE OFFICER AND BY THE DULY AUTHORIZED REPRESENTATIVES OF THE LIQUOR AUTHORITY, DURING THE HOURS WHEN THE SAID PREMISES ARE OPEN FOR THE TRANSACTION OF BUSINESS.

17. A RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION SHALL NOT PROVIDE MARIHUANA PRODUCTS TO ANY PERSON UNDER THE AGE OF TWENTY-ONE OR TO ANY PERSON WHO IS VISIBLY IMPAIRED.

S 175. ADVERTISING AND FORMS OF THE ISSUANCE OF LICENSES. 1. THE LIQUOR AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGULATIONS GOVERNING THE ADVERTISING OF MARIHUANA PRODUCERS, MARIHUANA PROCESSORS, MARIHUANA RETAILERS, AND ANY MARIHUANA RELATED PRODUCTS OR SERVICES, INCLUDING RESTRICTING ADVERTISEMENTS FOR MARIHUANA PRODUCTS

1 DESIGNED TO APPEAL TO CHILDREN OR THE PLACEMENT OF ADVERTISEMENTS IN
2 VENUES WHERE SUCH ADVERTISEMENTS MAY BE VIEWED BY CHILDREN.

3 2. NO LICENSEE SHALL PLACE OR MAINTAIN A COMMERCIAL ADVERTISEMENT FOR
4 MARIHUANA PRODUCTS WITHIN ONE THOUSAND FEET OF A SCHOOL, RECREATION
5 CENTER OR FACILITY, CHILD CARE CENTER, PUBLIC PARK, OR PUBLIC LIBRARY.

6 3. EVERY PERSON PROCURING A LICENSE HEREUNDER MUST PUBLISH A NOTICE
7 THEREOF IN ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE
8 AUTHORITY.

9 S 176. PACKAGING OF MARIHUANA PRODUCTS. 1. THE LIQUOR AUTHORITY IS
10 HEREBY AUTHORIZED TO PROMULGATE RULES AND REGULATIONS GOVERNING THE
11 PACKAGING OF MARIHUANA PRODUCTS, SOLD OR POSSESSED FOR SALE IN NEW YORK
12 STATE.

13 2. SUCH REGULATIONS SHALL INCLUDE REQUIRING PACKAGING MEETING REQUIRE-
14 MENTS SIMILAR TO THE FEDERAL "POISON PREVENTION PACKAGING ACT OF 1970,"
15 15 U.S.C. SEC 1471 ET SEQ.

16 S 177. LABELING OF MARIHUANA PRODUCTS. 1. THE LIQUOR AUTHORITY IS
17 HEREBY AUTHORIZED TO PROMULGATE RULES AND REGULATIONS GOVERNING THE
18 LABELING AND OFFERING OF MARIHUANA PRODUCTS, SOLD OR POSSESSED FOR SALE
19 WITHIN THIS STATE.

20 2. SUCH REGULATIONS SHALL BE CALCULATED TO: (A) PROHIBIT DECEPTION OF
21 THE CONSUMER; (B) AFFORD ADEQUATE INFORMATION AS TO QUALITY AND IDENTITY
22 OF THE PRODUCT; AND (C) ACHIEVE NATIONAL UNIFORMITY IN THIS BUSINESS.

23 3. THE LIQUOR AUTHORITY MAY SEEK THE ASSISTANCE OF THE DEPARTMENT OF
24 HEALTH WHEN NECESSARY BEFORE PROMULGATING RULES AND REGULATIONS UNDER
25 THIS SECTION.

26 4. SUCH REGULATIONS SHALL INCLUDE REQUIRING LABELS WARNING CONSUMERS
27 OF ANY POTENTIAL IMPACT ON HUMAN HEALTH RESULTING FROM THE CONSUMPTION
28 OF MARIHUANA PRODUCTS THAT SHALL BE AFFIXED TO THOSE PRODUCTS WHEN SOLD,
29 IF SUCH LABELS ARE DEEMED WARRANTED BY THE AUTHORITY AFTER CONSULTATION
30 WITH THE DEPARTMENT OF HEALTH.

31 5. SUCH RULES AND REGULATIONS SHALL ESTABLISH METHODS AND PROCEDURES
32 FOR DETERMINING SERVING SIZES FOR MARIHUANA-INFUSED PRODUCTS, ACTIVE
33 CANNABIS CONCENTRATION PER SERVING SIZE, AND NUMBER OF SERVINGS PER
34 CONTAINER. SUCH REGULATIONS SHALL ALSO REQUIRE A NUTRITIONAL FACT PANEL
35 THAT INCORPORATES DATA REGARDING SERVING SIZES AND POTENCY THEREOF.

36 6. THE PACKAGING, SALE, OR POSSESSION BY ANY LICENSEE OF ANY MARIHUANA
37 PRODUCT NOT LABELED OR OFFERED IN CONFORMITY WITH THIS SECTION SHALL BE
38 GROUNDS FOR A FINE, SUSPENSION, REVOCATION OR CANCELLATION OF THE
39 LICENSE.

40 S 178. RENEWALS OF LICENSES AND PERMITS. 1. EACH LICENSE AND PERMIT,
41 ISSUED PURSUANT TO THIS CHAPTER MAY BE RENEWED UPON APPLICATION THEREFOR
42 BY THE LICENSEE OR PERMITTEE AND THE PAYMENT OF THE ANNUAL FEE FOR SUCH
43 LICENSE OR PERMIT AS PRESCRIBED BY THIS CHAPTER. IN THE CASE OF APPLICA-
44 TIONS FOR RENEWALS, THE LIQUOR AUTHORITY MAY DISPENSE WITH THE REQUIRE-
45 MENTS OF SUCH STATEMENTS AS IT DEEMS UNNECESSARY IN VIEW OF THOSE
46 CONTAINED IN THE APPLICATION MADE FOR THE ORIGINAL LICENSE OR PERMIT,
47 BUT IN ANY EVENT THE SUBMISSION OF PHOTOGRAPHS OF THE LICENSED PREMISES
48 SHALL BE DISPENSED WITH, PROVIDED THE APPLICANT FOR SUCH RENEWAL SHALL
49 FILE A STATEMENT WITH SUCH AUTHORITY TO THE EFFECT THAT THERE HAS BEEN
50 NO ALTERATION OF SUCH PREMISES SINCE THE ORIGINAL LICENSE WAS ISSUED.
51 THE LIQUOR AUTHORITY MAY MAKE SUCH RULES AS MAY BE NECESSARY NOT INCON-
52 SISTENT WITH THIS CHAPTER REGARDING APPLICATIONS FOR RENEWALS OF
53 LICENSES AND PERMITS AND THE TIME FOR MAKING THE SAME.

54 2. THE AUTHORITY SHALL PROVIDE AN APPLICATION FOR RENEWAL OF A LICENSE
55 ISSUED UNDER THIS ARTICLE NOT LESS THAN SIXTY DAYS PRIOR TO THE EXPIRA-
56 TION OF THE CURRENT LICENSE.

1 S 179. INFORMATION TO BE REQUESTED IN APPLICATIONS FOR LICENSES OR
2 PERMITS. 1. THE FOLLOWING SHALL BE THE INFORMATION REQUIRED ON AN APPLI-
3 CATION FOR A LICENSE OR PERMIT:

4 (A) A STATEMENT OF IDENTITY AS FOLLOWS:

5 (I) IF THE APPLICANT IS AN INDIVIDUAL, HIS OR HER NAME, DATE AND PLACE
6 OF BIRTH, CITIZENSHIP, PERMANENT HOME ADDRESS, TELEPHONE NUMBER AND
7 SOCIAL SECURITY NUMBER, AS WELL AS ANY OTHER NAMES BY WHICH HE OR SHE
8 HAS CONDUCTED A BUSINESS AT ANY TIME.

9 (II) IF THE APPLICANT IS A CORPORATION, THE CORPORATE NAME OF THE
10 APPLICANT, ITS PLACE OF INCORPORATION, ITS MAIN BUSINESS ADDRESS (AND IF
11 SUCH MAIN BUSINESS ADDRESS IS NOT WITHIN THE STATE, THE ADDRESS OF ITS
12 MAIN PLACE OF BUSINESS WITHIN THE STATE), OTHER NAMES BY WHICH IT HAS
13 BEEN KNOWN OR HAS CONDUCTED BUSINESS AT ANY TIME, ITS TELEPHONE NUMBER,
14 ITS FEDERAL EMPLOYER IDENTIFICATION NUMBER, AND THE NAMES, AGES, CITI-
15 ZENSHIP, AND PERMANENT HOME ADDRESSES OF ITS DIRECTORS, OFFICERS AND ITS
16 SHAREHOLDERS (EXCEPT THAT IF THERE BE MORE THAN TEN SHAREHOLDERS THEN
17 THOSE SHAREHOLDERS HOLDING TEN PERCENT OR MORE OF ANY CLASS OF ITS
18 SHARES).

19 (III) IF THE APPLICANT IS A PARTNERSHIP, ITS NAME, ITS MAIN BUSINESS
20 ADDRESS (AND IF SUCH MAIN BUSINESS ADDRESS IS NOT WITHIN THE STATE, THE
21 ADDRESS OF ITS MAIN PLACE OF BUSINESS WITHIN THE STATE), OTHER NAMES BY
22 WHICH IT HAS BEEN KNOWN OR HAS CONDUCTED BUSINESS AT ANY TIME, ITS TELE-
23 PHONE NUMBER, ITS FEDERAL EMPLOYER IDENTIFICATION NUMBER, AND THE NAMES,
24 AGES, CITIZENSHIP, AND PERMANENT HOME ADDRESSES OF EACH OF ITS PARTNERS.

25 (B) A STATEMENT IDENTIFYING THE STREET AND NUMBER OF THE PREMISES TO
26 BE LICENSED, IF THE PREMISES HAS A STREET AND NUMBER, AND OTHERWISE SUCH
27 DESCRIPTION AS WILL REASONABLY INDICATE THE LOCALITY THEREOF; PHOTO-
28 GRAPHS, DRAWINGS OR OTHER ITEMS RELATED TO THE APPEARANCE OF THE INTERI-
29 OR OR EXTERIOR OF SUCH PREMISES, AND A FLOOR PLAN OF THE INTERIOR, SHALL
30 BE REQUIRED. THE APPLICANT SHALL ALSO STATE THE NATURE OF HIS OR HER
31 INTEREST IN THE PREMISES; AND THE NAME OF ANY OTHER PERSON INTERESTED AS
32 A PARTNER, JOINT VENTURER, INVESTOR OR LENDER WITH THE APPLICANT EITHER
33 IN THE PREMISES OR IN THE BUSINESS TO BE LICENSED.

34 (C) A DESCRIPTION OF ANY OTHER MARIHUANA LICENSE OR PERMIT UNDER THIS
35 CHAPTER, WITHIN THE PAST TEN YEARS, THE APPLICANT (INCLUDING ANY OFFI-
36 CERS, DIRECTORS, SHAREHOLDERS OR PARTNERS LISTED IN THE STATEMENT OF
37 IDENTITY UNDER PARAGRAPH (A) OF THIS SUBDIVISION OR THE SPOUSE OF ANY
38 SUCH PERSON) OR THE APPLICANT'S SPOUSE HELD OR APPLIED FOR.

39 (D) A STATEMENT THAT SUCH APPLICANT OR THE APPLICANT'S SPOUSE HAS NOT
40 BEEN CONVICTED OF A CRIME ADDRESSED BY THE PROVISIONS OF SECTION ONE
41 HUNDRED EIGHTY-SIX OF THIS ARTICLE WHICH WOULD FORBID THE APPLICANT
42 (INCLUDING ANY OFFICERS, DIRECTORS, SHAREHOLDERS OR PARTNERS LISTED IN
43 THE STATEMENT OF IDENTITY UNDER PARAGRAPH (A) OF THIS SUBDIVISION OR THE
44 SPOUSE OF SUCH PERSON) OR THE APPLICANT'S SPOUSE TO TRAFFIC IN MARIHUA-
45 NA, A STATEMENT WHETHER OR NOT THE APPLICANT (INCLUDING ANY OFFICERS,
46 DIRECTORS, SHAREHOLDERS OR PARTNERS LISTED IN THE STATEMENT OF IDENTITY
47 UNDER PARAGRAPH (A) OF THIS SUBDIVISION OR THE SPOUSE OF ANY SUCH
48 PERSON) OR THE APPLICANT'S SPOUSE IS AN OFFICIAL DESCRIBED IN SUBDIVI-
49 SION TWO OF SECTION ONE HUNDRED SIXTY-EIGHT OF THIS ARTICLE, AND A
50 DESCRIPTION OF ANY CRIME THAT THE APPLICANT (INCLUDING ANY OFFICERS,
51 DIRECTORS, SHAREHOLDERS OR PARTNERS LISTED UNDER PARAGRAPH (A) OF THIS
52 SUBDIVISION OR THE SPOUSE OF ANY SUCH PERSON) OR THE APPLICANT'S SPOUSE
53 HAS BEEN CONVICTED OF AND WHETHER SUCH PERSON HAS RECEIVED A PARDON,
54 CERTIFICATE OF GOOD CONDUCT OR CERTIFICATE OF RELIEF FROM DISABILITIES;
55 PROVIDED, HOWEVER, THAT NO PERSON SHALL BE DENIED ANY LICENSE SOLELY ON

1 THE GROUNDS THAT SUCH PERSON IS THE SPOUSE OF A PERSON OTHERWISE
2 DISQUALIFIED FROM HOLDING A LICENSE UNDER THIS CHAPTER.

3 (E) A STATEMENT THAT THE LOCATION AND LAYOUT OF THE PREMISES TO BE
4 LICENSED DOES NOT VIOLATE ANY REQUIREMENT OF THIS CHAPTER RELATING TO
5 LOCATION AND LAYOUT OF LICENSED PREMISES, WITH A COPY OF THE CERTIFICATE
6 OF OCCUPANCY FOR THE PREMISES.

7 (F) A STATEMENT THAT THE APPLICANT HAS CONTROL OF THE PREMISES TO BE
8 LICENSED BY OWNERSHIP OF A FEE INTEREST OR VIA A LEASEHOLD, MANAGEMENT
9 AGREEMENT, OR OTHER AGREEMENT GIVING THE APPLICANT CONTROL OVER THE
10 PREMISES, WITH A TERM AT LEAST AS LONG AS THE LICENSE FOR WHICH THE
11 APPLICATION IS BEING MADE, OR BY A BINDING CONTRACT TO ACQUIRE THE SAME
12 AND A STATEMENT OF IDENTITY UNDER PARAGRAPH (A) OF THIS SUBDIVISION FOR
13 THE LESSOR OF ANY LEASEHOLD, MANAGER OF ANY MANAGEMENT AGREEMENT, OR
14 OTHER AGREEMENT GIVING THE APPLICANT CONTROL OVER THE PREMISES, WITH A
15 COPY OF THE LEASE, CONTRACT, MANAGEMENT AGREEMENT, OR OTHER AGREEMENT
16 GIVING THE APPLICANT CONTROL OVER THE FOOD AND BEVERAGE AT THE PREMISES,
17 OR DEED EVIDENCING FEE OWNERSHIP OF THE PREMISES.

18 (G) A FINANCIAL STATEMENT ADEQUATE TO SHOW ALL PERSONS WHO, DIRECTLY
19 OR INDIRECTLY HAVE AN ECONOMIC INTEREST IN THE ESTABLISHMENT OR ACQUI-
20 SITION OF THE BUSINESS FOR WHICH THE LICENSE OR PERMIT APPLICATION IS
21 BEING MADE, TO IDENTIFY THE SOURCES OF FUNDS TO BE APPLIED IN SUCH
22 ESTABLISHMENT OR ACQUISITION, AND TO DESCRIBE THE TERMS AND CONDITIONS
23 GOVERNING SUCH ESTABLISHMENT WITH COPIES OF SUCH FINANCIAL DOCUMENTS AS
24 THE AUTHORITY MAY REASONABLY REQUIRE.

25 (H) THE FINGERPRINTS OF THE APPLICANTS. FINGERPRINTS SUBMITTED BY THE
26 APPLICANTS SHALL BE TRANSMITTED TO THE DIVISION OF CRIMINAL JUSTICE
27 SERVICES AND MAY BE SUBMITTED TO THE FEDERAL BUREAU OF INVESTIGATION FOR
28 STATE AND NATIONAL CRIMINAL HISTORY RECORD CHECKS.

29 2. ALL LICENSE OR PERMIT APPLICATIONS SHALL BE SIGNED BY THE APPLICANT
30 (IF AN INDIVIDUAL), BY AN OFFICER (IF A CORPORATION), OR BY ALL PARTNERS
31 (IF A PARTNERSHIP). EACH PERSON SIGNING SUCH APPLICATION SHALL VERIFY IT
32 OR AFFIRM IT AS TRUE UNDER THE PENALTIES OF PERJURY.

33 3. ALL LICENSE OR PERMIT APPLICATIONS SHALL BE ACCOMPANIED BY A CHECK,
34 DRAFT OR OTHER FORMS OF PAYMENT AS THE AUTHORITY MAY REQUIRE OR AUTHOR-
35 IZE IN THE AMOUNT REQUIRED BY THIS ARTICLE FOR SUCH LICENSE OR PERMIT.

36 4. IF THERE BE ANY CHANGE, AFTER THE FILING OF THE APPLICATION OR THE
37 GRANTING OF A LICENSE, IN ANY OF THE FACTS REQUIRED TO BE SET FORTH IN
38 SUCH APPLICATION, A SUPPLEMENTAL STATEMENT GIVING NOTICE OF SUCH CHANGE,
39 COST AND SOURCE OF MONEY INVOLVED IN THE CHANGE, DULY VERIFIED, SHALL BE
40 FILED WITH THE AUTHORITY WITHIN TEN DAYS AFTER SUCH CHANGE. FAILURE TO
41 DO SO SHALL, IF WILLFUL AND DELIBERATE, BE CAUSE FOR REVOCATION OF THE
42 LICENSE.

43 5. IN GIVING ANY NOTICE, OR TAKING ANY ACTION IN REFERENCE TO A LICEN-
44 SEE OF A LICENSED PREMISES, THE AUTHORITY MAY RELY UPON THE INFORMATION
45 FURNISHED IN SUCH APPLICATION AND IN ANY SUPPLEMENTAL STATEMENT
46 CONNECTED THEREWITH, AND SUCH INFORMATION MAY BE PRESUMED TO BE CORRECT,
47 AND SHALL BE BINDING UPON A LICENSEE OR LICENSED PREMISES AS IF CORRECT.
48 ALL INFORMATION REQUIRED TO BE FURNISHED IN SUCH APPLICATION OR SUPPLE-
49 MENTAL STATEMENTS SHALL BE DEEMED MATERIAL IN ANY PROSECUTION FOR PERJU-
50 RY, ANY PROCEEDING TO REVOKE, CANCEL OR SUSPEND ANY LICENSE, AND IN THE
51 AUTHORITY'S DETERMINATION TO APPROVE OR DENY THE LICENSE.

52 6. THE AUTHORITY MAY IN ITS DISCRETION WAIVE THE SUBMISSION OF ANY
53 CATEGORY OF INFORMATION DESCRIBED IN THIS SECTION FOR ANY CATEGORY OF
54 LICENSE OR PERMIT, PROVIDED THAT IT SHALL NOT BE PERMITTED TO WAIVE THE
55 REQUIREMENT FOR SUBMISSION OF ANY SUCH CATEGORY OF INFORMATION SOLELY
56 FOR AN INDIVIDUAL APPLICANT OR APPLICANTS.

1 S 180. NOTIFICATION TO MUNICIPALITIES. 1. NOT LESS THAN THIRTY DAYS
2 BEFORE FILING ANY OF THE FOLLOWING APPLICATIONS, AN APPLICANT SHALL
3 NOTIFY THE MUNICIPALITY IN WHICH THE PREMISES IS LOCATED OF SUCH APPLI-
4 CANT'S INTENT TO FILE SUCH AN APPLICATION:

5 (A) FOR A MARIHUANA PRODUCER;

6 (B) FOR A MARIHUANA PROCESSOR LICENSE;

7 (C) FOR A MARIHUANA RETAILER LICENSE; AND/OR

8 (D) FOR A MARIHUANA RETAILER LICENSE FOR ON-PREMISES CONSUMPTION.

9 2. SUCH NOTIFICATION SHALL BE MADE TO THE CLERK OF THE VILLAGE, TOWN
10 OR CITY, AS THE CASE MAY BE, WHEREIN THE PREMISES IS LOCATED. FOR
11 PURPOSES OF THIS SECTION:

12 (A) NOTIFICATION NEED ONLY BE GIVEN TO THE CLERK OF A VILLAGE WHEN THE
13 PREMISES IS LOCATED WITHIN THE BOUNDARIES OF THE VILLAGE; AND

14 (B) IN THE CITY OF NEW YORK, THE COMMUNITY BOARD ESTABLISHED PURSUANT
15 TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER WITH JURIS-
16 DICTION OVER THE AREA IN WHICH THE PREMISES IS LOCATED SHALL BE CONSID-
17 ERED THE APPROPRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN.

18 3. FOR PURPOSES OF THIS SECTION, "SUBSTANTIAL CORPORATE CHANGE" SHALL
19 MEAN:

20 (A) FOR A CORPORATION, A CHANGE OF EIGHTY PERCENT OR MORE OF THE OFFI-
21 CERS AND/OR DIRECTORS, OR A TRANSFER OF EIGHTY PERCENT OR MORE OF STOCK
22 OF SUCH CORPORATION, OR AN EXISTING STOCKHOLDER OBTAINING EIGHTY PERCENT
23 OR MORE OF THE STOCK OF SUCH CORPORATION; AND

24 (B) FOR A LIMITED LIABILITY COMPANY, A CHANGE OF EIGHTY PERCENT OR
25 MORE OF THE MANAGING MEMBERS OF THE COMPANY, OR A TRANSFER OF EIGHTY
26 PERCENT OR MORE OF OWNERSHIP INTEREST IN SAID COMPANY, OR AN EXISTING
27 MEMBER OBTAINING A CUMULATIVE OF EIGHTY PERCENT OR MORE OF THE OWNERSHIP
28 INTEREST IN SAID COMPANY.

29 4. SUCH NOTIFICATION SHALL BE MADE IN SUCH FORM AS SHALL BE PRESCRIBED
30 BY THE RULES OF THE LIQUOR AUTHORITY.

31 5. A MUNICIPALITY MAY EXPRESS AN OPINION FOR OR AGAINST THE GRANTING
32 OF SUCH APPLICATION. ANY SUCH OPINION SHALL BE DEEMED PART OF THE RECORD
33 UPON WHICH THE LIQUOR AUTHORITY MAKES ITS DETERMINATION TO GRANT OR DENY
34 THE APPLICATION.

35 6. SUCH NOTIFICATION SHALL BE MADE BY: CERTIFIED MAIL, RETURN RECEIPT
36 REQUESTED; OVERNIGHT DELIVERY SERVICE WITH PROOF OF MAILING; OR PERSONAL
37 SERVICE UPON THE OFFICES OF THE CLERK OR COMMUNITY BOARD.

38 7. THE LIQUOR AUTHORITY SHALL REQUIRE SUCH NOTIFICATION TO BE ON A
39 STANDARDIZED FORM THAT CAN BE OBTAINED ON THE INTERNET OR FROM THE
40 LIQUOR AUTHORITY AND SUCH NOTIFICATION TO INCLUDE:

41 (A) THE TRADE NAME OR "DOING BUSINESS AS" NAME, IF ANY, OF THE ESTAB-
42 LISHMENT;

43 (B) THE FULL NAME OF THE APPLICANT;

44 (C) THE STREET ADDRESS OF THE ESTABLISHMENT, INCLUDING THE FLOOR
45 LOCATION OR ROOM NUMBER, IF APPLICABLE;

46 (D) THE MAILING ADDRESS OF THE ESTABLISHMENT, IF DIFFERENT THAN THE
47 STREET ADDRESS;

48 (E) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE ATTORNEY OR REPRE-
49 SENTATIVE OF THE APPLICANT, IF ANY;

50 (F) A STATEMENT INDICATING WHETHER THE APPLICATION IS FOR:

51 (I) A NEW ESTABLISHMENT;

52 (II) A TRANSFER OF AN EXISTING LICENSED BUSINESS;

53 (III) A RENEWAL OF AN EXISTING LICENSE; OR

54 (IV) AN ALTERATION OF AN EXISTING LICENSED PREMISES;

1 (G) IF THE ESTABLISHMENT IS A TRANSFER OR PREVIOUSLY LICENSED PREM-
2 ISES, THE NAME OF THE OLD ESTABLISHMENT AND SUCH ESTABLISHMENT'S LICENSE
3 SERIAL NUMBER;

4 (H) IN THE CASE OF A RENEWAL OR ALTERATION APPLICATION, THE LICENSE
5 SERIAL NUMBER OF THE APPLICANT; AND

6 (I) THE TYPE OF LICENSE.

7 S 181. LICENSES, PUBLICATION, GENERAL PROVISIONS. 1. THE VARIOUS TYPES
8 OF LICENSES ISSUED PURSUANT TO THIS CHAPTER SHALL BE DISTINCTIVE IN
9 COLOR AND DESIGN SO AS TO BE READILY DISTINGUISHABLE FROM EACH OTHER.

10 2. NO LICENSE SHALL BE TRANSFERABLE OR ASSIGNABLE EXCEPT THAT NOTWITH-
11 STANDING ANY OTHER PROVISION OF LAW, THE LICENSE OF A SOLE PROPRIETOR
12 CONVERTING TO CORPORATE FORM, WHERE SUCH PROPRIETOR BECOMES THE SOLE
13 STOCKHOLDER AND ONLY OFFICER AND DIRECTOR OF SUCH NEW CORPORATION, MAY
14 BE TRANSFERRED TO THE SUBJECT CORPORATION IF ALL REQUIREMENTS OF THIS
15 CHAPTER REMAIN THE SAME WITH RESPECT TO SUCH LICENSE AS TRANSFERRED AND,
16 FURTHER, THE LICENSEE SHALL TRANSMIT TO THE AUTHORITY, WITHIN TEN DAYS
17 OF THE TRANSFER OF LICENSE ALLOWABLE UNDER THIS SUBDIVISION, ON A FORM
18 PRESCRIBED BY THE AUTHORITY, NOTIFICATION OF THE TRANSFER OF SUCH
19 LICENSE.

20 3. NO LICENSE SHALL BE PLEDGED OR DEPOSITED AS COLLATERAL SECURITY FOR
21 ANY LOAN OR UPON ANY OTHER CONDITION; AND ANY SUCH PLEDGE OR DEPOSIT,
22 AND ANY CONTRACT PROVIDING THEREFOR, SHALL BE VOID.

23 4. LICENSES ISSUED UNDER THIS ARTICLE SHALL CONTAIN, IN ADDITION TO
24 ANY FURTHER INFORMATION OR MATERIAL TO BE PRESCRIBED BY THE RULES OF THE
25 LIQUOR AUTHORITY, THE FOLLOWING INFORMATION: (A) NAME OF PERSON TO WHOM
26 LICENSE IS ISSUED; (B) KIND OF LICENSE AND WHAT KIND OF TRAFFIC IN MARI-
27 HUANA IS THEREBY PERMITTED; (C) DESCRIPTION BY STREET AND NUMBER, OR
28 OTHERWISE, OF LICENSED PREMISES; AND (D) A STATEMENT IN SUBSTANCE THAT
29 SUCH LICENSE SHALL NOT BE DEEMED A PROPERTY OR VESTED RIGHT, AND THAT IT
30 MAY BE REVOKED AT ANY TIME PURSUANT TO LAW.

31 5. THERE SHALL BE PRINTED AND FURNISHED BY THE LIQUOR AUTHORITY TO
32 EACH LICENSEE A STATEMENT OF THE CAUSES FOR WHICH LICENSES MAY BE
33 REVOKED. SUCH STATEMENT SHALL BE PREPARED BY THE LIQUOR AUTHORITY AND
34 DELIVERED TO THE LICENSEE WITH HIS OR HER LICENSE OR AS SOON THEREAFTER
35 AS MAY BE PRACTICABLE. ANY AMENDMENTS THERETO SHALL ALSO BE SENT BY THE
36 LIQUOR AUTHORITY TO ALL LICENSEES AS SOON AS MAY BE PRACTICABLE AFTER
37 SUCH AMENDMENTS. FAILURE TO SEND SUCH STATEMENTS OR CHANGES THEREIN, OR
38 FAILURE TO RECEIVE THE SAME, OR ANY MISSTATEMENT OR ERROR CONTAINED IN
39 SUCH STATEMENTS OR AMENDMENTS SHALL, HOWEVER, NOT BE AN EXCUSE OR JUSTI-
40 FICATION FOR ANY VIOLATION OF LAW, OR PREVENT, OR REMIT, OR DECREASE ANY
41 PENALTY OR FORFEITURE THEREFOR.

42 6. BEFORE COMMENCING OR DOING ANY BUSINESS FOR THE TIME FOR WHICH A
43 LICENSE HAS BEEN ISSUED SAID LICENSE SHALL BE ENCLOSED IN A SUITABLE
44 WOOD OR METAL FRAME HAVING A CLEAR GLASS SPACE AND A SUBSTANTIAL WOOD OR
45 METAL BACK SO THAT THE WHOLE OF SAID LICENSE MAY BE SEEN THEREIN, AND
46 SHALL BE POSTED UP AND AT ALL TIMES DISPLAYED IN A CONSPICUOUS PLACE IN
47 THE ROOM WHERE SUCH BUSINESS IS CARRIED ON, SO THAT ALL PERSONS VISITING
48 SUCH PLACE MAY READILY SEE THE SAME. IT SHALL BE UNLAWFUL FOR ANY PERSON
49 HOLDING A LICENSE TO POST SUCH LICENSE OR TO PERMIT SUCH LICENSE TO BE
50 POSTED UPON PREMISES OTHER THAN THE PREMISES LICENSED, OR UPON PREMISES
51 WHERE TRAFFIC IN MARIHUANA IS BEING CARRIED ON BY ANY PERSON OTHER THAN
52 THE LICENSEE, OR KNOWINGLY TO DEFACE, DESTROY OR ALTER ANY SUCH LICENSE
53 IN ANY RESPECT. WHENEVER A LICENSE SHALL BE LOST OR DESTROYED WITHOUT
54 FAULT ON THE PART OF THE LICENSEE OR HIS OR HER AGENTS OR EMPLOYEES, A
55 DUPLICATE LICENSE IN LIEU THEREOF MAY BE ISSUED BY THE LIQUOR AUTHORITY
56 IN ITS DISCRETION AND IN ACCORDANCE WITH SUCH RULES AND REGULATIONS AND

1 THE PAYMENT OF SUCH FEES, NOT EXCEEDING FIVE DOLLARS, AS IT MAY
2 PRESCRIBE.

3 S 182. REVOCATION OF LICENSES FOR CAUSE. 1. ANY LICENSE OR PERMIT
4 ISSUED PURSUANT TO THIS ARTICLE MAY BE REVOKED, CANCELLED, SUSPENDED
5 AND/OR SUBJECTED TO THE IMPOSITION OF A CIVIL PENALTY FOR CAUSE, AND
6 MUST BE REVOKED FOR THE FOLLOWING CAUSES:

7 (A) CONVICTION OF THE LICENSEE, PERMITTEE OR HIS OR HER AGENT OR
8 EMPLOYEE FOR SELLING ANY ILLEGAL MARIHUANA ON THE PREMISES LICENSED.

9 (B) FOR TRANSFERRING, ASSIGNING OR HYPOTHECATING A LICENSE OR PERMIT.

10 2. NOTWITHSTANDING THE ISSUANCE OF A LICENSE OR PERMIT BY WAY OF
11 RENEWAL, THE LIQUOR AUTHORITY MAY REVOKE, CANCEL OR SUSPEND SUCH LICENSE
12 OR PERMIT AND/OR MAY IMPOSE A CIVIL PENALTY AGAINST ANY HOLDER OF SUCH
13 LICENSE OR PERMIT, AS PRESCRIBED BY THIS SECTION AND SECTION ONE HUNDRED
14 NINETEEN OF THIS CHAPTER, FOR CAUSES OR VIOLATIONS OCCURRING DURING THE
15 LICENSE PERIOD IMMEDIATELY PRECEDING THE ISSUANCE OF SUCH LICENSE OR
16 PERMIT, AND MAY RECOVER, AS PROVIDED IN SECTION ONE HUNDRED TWELVE OF
17 THIS CHAPTER, THE PENAL SUM OF THE BOND ON FILE DURING SAID PERIOD.

18 3. AS USED IN THIS SECTION, THE TERM "FOR CAUSE" SHALL ALSO INCLUDE
19 THE EXISTENCE OF A SUSTAINED AND CONTINUING PATTERN OF NOISE, DISTURB-
20 ANCE, MISCONDUCT, OR DISORDER ON OR ABOUT THE LICENSED PREMISES, RELATED
21 TO THE OPERATION OF THE PREMISES OR THE CONDUCT OF ITS PATRONS, WHICH
22 ADVERSELY AFFECTS THE HEALTH, WELFARE OR SAFETY OF THE INHABITANTS OF
23 THE AREA IN WHICH SUCH LICENSED PREMISES ARE LOCATED.

24 4. THE EXISTENCE OF A SUSTAINED AND CONTINUING PATTERN OF NOISE,
25 DISTURBANCE, MISCONDUCT, OR DISORDER ON OR ABOUT THE LICENSED PREMISES,
26 RELATED TO THE OPERATION OF THE PREMISES OR THE CONDUCT OF ITS PATRONS,
27 WILL BE PRESUMED UPON THE SIXTH INCIDENT REPORTED TO THE AUTHORITY BY A
28 LAW ENFORCEMENT AGENCY OF NOISE OR DISTURBANCE OR MISCONDUCT OR DISORDER
29 ON OR ABOUT THE LICENSED PREMISES OR RELATED TO THE OPERATION OF THE
30 PREMISES OR THE CONDUCT OF ITS PATRONS, IN ANY SIXTY DAY PERIOD, ABSENT
31 CLEAR AND CONVINCING EVIDENCE OF EITHER FRAUDULENT INTENT ON THE PART OF
32 ANY COMPLAINANT OR A FACTUAL ERROR WITH RESPECT TO THE CONTENT OF ANY
33 REPORT CONCERNING SUCH COMPLAINT RELIED UPON BY THE AUTHORITY.

34 S 183. PROCEDURE FOR REVOCATION OR CANCELLATION. 1. ANY LICENSE OR
35 PERMIT ISSUED BY THE LIQUOR AUTHORITY PURSUANT TO THIS ARTICLE MAY BE
36 REVOKED, CANCELLED OR SUSPENDED AND/OR BE SUBJECTED TO THE IMPOSITION OF
37 A MONETARY PENALTY IN THE MANNER PRESCRIBED BY THIS SECTION.

38 2. THE LIQUOR AUTHORITY MAY ON ITS OWN INITIATIVE OR ON COMPLAINT OF
39 ANY PERSON INSTITUTE PROCEEDINGS TO REVOKE, CANCEL OR SUSPEND ANY RETAIL
40 LICENSE AND MAY IMPOSE A CIVIL PENALTY AGAINST THE LICENSEE AFTER A
41 HEARING AT WHICH THE LICENSEE SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.
42 SUCH HEARING SHALL BE HELD IN SUCH MANNER AND UPON SUCH NOTICE AS MAY BE
43 PRESCRIBED BY THE RULES OF THE LIQUOR AUTHORITY.

44 3. ALL OTHER LICENSES OR PERMITS ISSUED UNDER THIS CHAPTER MAY BE
45 REVOKED, CANCELLED, SUSPENDED AND/OR MADE SUBJECT TO THE IMPOSITION OF A
46 CIVIL PENALTY BY THE LIQUOR AUTHORITY AFTER A HEARING TO BE HELD IN THE
47 MANNER TO BE DETERMINED BY THE RULES OF THE LIQUOR AUTHORITY.

48 4. (A) THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY IN ALL CASES OF
49 LICENSEE OR PERMITTEE FAILURE AFTER RECEIVING APPROPRIATE NOTICE, TO
50 COMPLY WITH A SUMMONS, SUBPOENA OR WARRANT RELATING TO A PATERNITY OR
51 CHILD SUPPORT PROCEEDING AND ARREARS IN PAYMENT OF CHILD SUPPORT OR
52 COMBINED CHILD AND SPOUSAL SUPPORT REFERRED TO THE AUTHORITY BY A COURT
53 PURSUANT TO THE REQUIREMENTS OF SECTION TWO HUNDRED FORTY-FOUR-C OF THE
54 DOMESTIC RELATIONS LAW OR PURSUANT TO SECTION FOUR HUNDRED FIFTY-EIGHT-B
55 OR FIVE HUNDRED FORTY-EIGHT-B OF THE FAMILY COURT ACT.

1 (B) UPON RECEIPT OF AN ORDER FROM THE COURT BASED ON ARREARS IN
2 PAYMENT OF CHILD SUPPORT OR COMBINED CHILD AND SPOUSAL SUPPORT PURSUANT
3 TO ONE OF THE FOREGOING PROVISIONS OF LAW, THE AUTHORITY, IF IT FINDS
4 SUCH PERSON TO HAVE BEEN ISSUED A LICENSE OR PERMIT, SHALL WITHIN THIRTY
5 DAYS OF RECEIPT OF SUCH ORDER FROM THE COURT, PROVIDE NOTICE TO THE
6 LICENSEE OR PERMITTEE OF, AND INITIATE, A HEARING WHICH SHALL BE HELD AT
7 LEAST TWENTY DAYS AND NO MORE THAN THIRTY DAYS AFTER THE SENDING OF SUCH
8 NOTICE TO THE LICENSEE OR PERMITTEE. THE HEARING SHALL BE SOLELY HELD
9 FOR THE PURPOSE OF DETERMINING WHETHER THERE EXISTS AS OF THE DATE OF
10 THE HEARING PROOF THAT FULL PAYMENT OF ALL ARREARS OF SUPPORT ESTAB-
11 LISHED BY THE ORDER OF THE COURT TO BE DUE FROM THE LICENSEE OR PERMIT-
12 TEE HAVE BEEN PAID. PROOF OF SUCH PAYMENT SHALL BE A CERTIFIED CHECK
13 SHOWING FULL PAYMENT OF ESTABLISHED ARREARS OR A NOTICE ISSUED BY THE
14 COURT OR THE SUPPORT COLLECTION UNIT, WHERE THE ORDER IS PAYABLE TO THE
15 SUPPORT COLLECTION UNIT DESIGNATED BY THE APPROPRIATE SOCIAL SERVICES
16 DISTRICT. SUCH NOTICE SHALL STATE THAT FULL PAYMENT OF ALL ARREARS OF
17 SUPPORT ESTABLISHED BY THE ORDER OF THE COURT TO BE DUE HAVE BEEN PAID.
18 THE LICENSEE OR PERMITTEE SHALL BE GIVEN FULL OPPORTUNITY TO PRESENT
19 SUCH PROOF OF PAYMENT AT THE HEARING IN PERSON OR BY COUNSEL. THE ONLY
20 ISSUE TO BE DETERMINED BY THE AUTHORITY AS A RESULT OF THE HEARING IS
21 WHETHER THE ARREARS HAVE BEEN PAID. NO EVIDENCE WITH RESPECT TO THE
22 APPROPRIATENESS OF THE COURT ORDER OR ABILITY OF THE RESPONDENT PARTY IN
23 ARREARS TO COMPLY WITH SUCH ORDER SHALL BE RECEIVED OR CONSIDERED BY THE
24 AUTHORITY.

25 (C) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE OR OF
26 ANY OTHER PROVISION OF LAW TO THE CONTRARY, SUCH LICENSE OR PERMIT SHALL
27 BE SUSPENDED IF AT THE HEARING, PROVIDED FOR BY PARAGRAPH (B) OF THIS
28 SUBDIVISION, THE LICENSEE OR PERMITTEE FAILS TO PRESENT PROOF OF PAYMENT
29 AS REQUIRED BY SUCH SUBDIVISION. SUCH SUSPENSION SHALL NOT BE LIFTED
30 UNLESS THE COURT OR THE SUPPORT COLLECTION UNIT, WHERE THE COURT ORDER
31 IS PAYABLE TO THE SUPPORT COLLECTION UNIT DESIGNATED BY THE APPROPRIATE
32 SOCIAL SERVICES DISTRICT, ISSUES NOTICE TO THE AUTHORITY THAT FULL
33 PAYMENT OF ALL ARREARS OF SUPPORT ESTABLISHED BY THE ORDER OF THE COURT
34 TO BE DUE HAVE BEEN PAID.

35 (D) UPON RECEIPT OF AN ORDER FROM THE COURT BASED ON FAILURE TO COMPLY
36 WITH A SUMMONS, SUBPOENA, OR WARRANT RELATING TO A PATERNITY OR CHILD
37 SUPPORT PROCEEDING, THE AUTHORITY, IF IT FINDS SUCH PERSON HAS BEEN
38 ISSUED A LICENSE OR PERMIT, SHALL WITHIN THIRTY DAYS OF RECEIPT OF SUCH
39 ORDER FROM THE COURT, PROVIDE NOTICE TO THE LICENSEE OR PERMITTEE THAT
40 HIS OR HER LICENSE SHALL BE SUSPENDED IN SIXTY DAYS UNLESS THE CONDI-
41 TIONS IN PARAGRAPH (E) OF THIS SUBDIVISION ARE MET.

42 (E) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE OR OF
43 ANY OTHER PROVISION OF LAW TO THE CONTRARY, SUCH LICENSE OR PERMIT SHALL
44 BE SUSPENDED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (C) OF THIS
45 SUBDIVISION UNLESS THE COURT TERMINATES ITS ORDER TO COMMENCE SUSPENSION
46 PROCEEDINGS. SUCH SUSPENSION SHALL NOT BE LIFTED UNLESS THE COURT ISSUES
47 AN ORDER TO THE AUTHORITY TERMINATING ITS ORDER TO COMMENCE SUSPENSION
48 PROCEEDINGS.

49 (F) THE AUTHORITY SHALL INFORM THE COURT OF ALL ACTIONS TAKEN HERE-
50 UNDER AS REQUIRED BY LAW.

51 (G) THIS SUBDIVISION APPLIES TO SUPPORT OBLIGATIONS PAID PURSUANT TO
52 ANY ORDER OF CHILD SUPPORT OR CHILD AND SPOUSAL SUPPORT ISSUED UNDER
53 PROVISIONS OF SECTION TWO HUNDRED THIRTY-SIX OR TWO HUNDRED FORTY OF THE
54 DOMESTIC RELATIONS LAW, OR ARTICLE FOUR, FIVE OR FIVE-A OF THE FAMILY
55 COURT ACT.

(H) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE OR OF ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO THE EXCLUSION OF ANY OTHER REQUIREMENTS OF THIS ARTICLE AND TO THE EXCLUSION OF ANY OTHER REQUIREMENT OF LAW TO THE CONTRARY.

5. WHERE A LICENSEE IS CONVICTED OF TWO OR MORE QUALIFYING OFFENSES WITHIN A FIVE YEAR PERIOD, THE AUTHORITY, UPON RECEIPT OF NOTIFICATION OF SUCH SECOND OR SUBSEQUENT CONVICTION PURSUANT TO THE PROVISIONS OF SUBDIVISION TWO OF SECTION ONE HUNDRED SIX-A OF THIS CHAPTER, SHALL, IN ADDITION TO ANY OTHER SANCTION OR CIVIL OR CRIMINAL PENALTY IMPOSED PURSUANT TO THIS CHAPTER, IMPOSE ON SUCH LICENSEE A CIVIL PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS. FOR PURPOSES OF THIS SUBDIVISION, A QUALIFYING OFFENSE SHALL MEAN: (A) THE OFFENSE DEFINED IN SUBDIVISION ONE OF SECTION SIXTY-FIVE OF THIS CHAPTER; OR (B) THE OFFENSE DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION SIXTY-FIVE-B OF THIS CHAPTER. FOR PURPOSES OF THIS SUBDIVISION, A CONVICTION OF A LICENSEE OR AN EMPLOYEE OR AGENT OF SUCH LICENSEE SHALL CONSTITUTE A CONVICTION OF SUCH LICENSEE.

S 184. DECISIONS OF LIQUOR AUTHORITY AND REVIEW BY THE COURTS. PROVISIONS OF SECTIONS ONE HUNDRED TWENTY, ONE HUNDRED TWENTY-ONE AND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER SHALL APPLY TO MARIHUANA LICENSES ISSUED UNDER THIS ARTICLE.

S 185. DISPOSITION OF MONEYS RECEIVED FOR LICENSE FEES. THE MONEYS RECEIVED FOR LICENSE FEES FOR MARIHUANA PRODUCER LICENSES, MARIHUANA PROCESSOR LICENSES, AND MARIHUANA RETAILER LICENSES PROVIDED FOR IN THIS CHAPTER SHALL BE TURNED OVER BY THE LIQUOR AUTHORITY TO THE STATE COMPTROLLER. IT SHALL BE PLACED BY THE STATE COMPTROLLER IN THE FUND DERIVED FROM THE PROCEEDS OF THE TAXES ON MARIHUANA PROVIDED FOR IN ARTICLE EIGHTEEN-A OF THE TAX LAW AND BECOME A PART THEREOF AND BE SUBJECT TO ALL OF THE PROVISIONS OF LAW RELATING TO SUCH FUND.

S 186. PERSONS FORBIDDEN TO TRAFFIC IN MARIHUANA. THE FOLLOWING PERSONS ARE FORBIDDEN TO TRAFFIC IN MARIHUANA:

1. EXCEPT AS PROVIDED IN SUBDIVISION ONE-A OF THIS SECTION, A PERSON WHO HAS BEEN CONVICTED OF A FELONY OR ANY OF THE MISDEMEANORS DEFINED IN SECTION 230.20 OR 230.40 OF THE PENAL LAW, UNLESS SUBSEQUENT TO SUCH CONVICTION SUCH PERSON SHALL HAVE RECEIVED AN EXECUTIVE PARDON THEREFOR REMOVING THIS DISABILITY, A CERTIFICATE OF GOOD CONDUCT GRANTED BY THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, OR A CERTIFICATE OF RELIEF FROM DISABILITIES GRANTED BY THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION OR A COURT OF THIS STATE PURSUANT TO THE PROVISIONS OF ARTICLE TWENTY-THREE OF THE CORRECTION LAW TO REMOVE THE DISABILITY UNDER THIS SECTION BECAUSE OF SUCH CONVICTION.

1-A. NOTWITHSTANDING THE PROVISION OF SUBDIVISION ONE OF THIS SECTION, A CORPORATION HOLDING A LICENSE TO TRAFFIC IN MARIHUANA SHALL NOT, UPON CONVICTION OF A FELONY OR ANY OF THE MISDEMEANORS OR OFFENSES DESCRIBED IN SUBDIVISION ONE OF THIS SECTION, BE AUTOMATICALLY FORBIDDEN TO TRAFFIC IN MARIHUANA, BUT THE APPLICATION FOR A LICENSE BY SUCH A CORPORATION SHALL BE SUBJECT TO DENIAL, AND THE LICENSE OF SUCH A CORPORATION SHALL BE SUBJECT TO REVOCATION OR SUSPENSION BY THE AUTHORITY PURSUANT TO SECTION ONE HUNDRED EIGHTEEN OF THIS CHAPTER, CONSISTENT WITH THE PROVISIONS OF ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW. FOR ANY FELONY CONVICTION BY A COURT OTHER THAN A COURT OF THIS STATE, THE AUTHORITY MAY REQUEST THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION TO INVESTIGATE AND REVIEW THE FACTS AND CIRCUMSTANCES CONCERNING SUCH A CONVICTION, AND SUCH DEPARTMENT SHALL, IF SO REQUESTED, SUBMIT ITS FINDINGS TO THE AUTHORITY AS TO WHETHER THE CORPORATION HAS

1 CONDUCTED ITSELF IN A MANNER SUCH THAT DISCRETIONARY REVIEW BY THE
2 AUTHORITY WOULD NOT BE INCONSISTENT WITH THE PUBLIC INTEREST. THE
3 DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION MAY CHARGE THE
4 LICENSEE OR APPLICANT A FEE EQUIVALENT TO THE EXPENSES OF AN APPROPRIATE
5 INVESTIGATION UNDER THIS SUBDIVISION. FOR ANY CONVICTION RENDERED BY A
6 COURT OF THIS STATE, THE AUTHORITY MAY REQUEST THE CORPORATION, IF THE
7 CORPORATION IS ELIGIBLE FOR A CERTIFICATE OF RELIEF FROM DISABILITIES,
8 TO SEEK SUCH A CERTIFICATE FROM THE COURT WHICH RENDERED THE CONVICTION
9 AND TO SUBMIT SUCH A CERTIFICATE AS PART OF THE AUTHORITY'S DISCRETION-
10 ARY REVIEW PROCESS.

11 2. A PERSON UNDER THE AGE OF TWENTY-ONE YEARS.

12 3. A PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES OR AN ALIEN
13 LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES.

14 4. A CO-PARTNERSHIP OR A CORPORATION, UNLESS EACH MEMBER OF THE PART-
15 NERSHIP, OR EACH OF THE PRINCIPAL OFFICERS AND DIRECTORS OF THE CORPO-
16 RATION, IS A CITIZEN OF THE UNITED STATES OR AN ALIEN LAWFULLY ADMITTED
17 FOR PERMANENT RESIDENCE IN THE UNITED STATES, NOT LESS THAN TWENTY-ONE
18 YEARS OF AGE, AND HAS NOT BEEN CONVICTED OF ANY FELONY OR ANY OF THE
19 MISDEMEANORS, SPECIFIED IN SECTION 230.20 OR 230.40 OF THE PENAL LAW, OR
20 IF SO CONVICTED HAS RECEIVED, SUBSEQUENT TO SUCH CONVICTION, AN EXECU-
21 TIVE PARDON THEREFOR REMOVING THIS DISABILITY A CERTIFICATE OF GOOD
22 CONDUCT GRANTED BY THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPER-
23 VISION, OR A CERTIFICATE OF RELIEF FROM DISABILITIES GRANTED BY THE
24 DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION OR A COURT OF THIS
25 STATE PURSUANT TO THE PROVISIONS OF ARTICLE TWENTY-THREE OF THE
26 CORRECTION LAW TO REMOVE THE DISABILITY UNDER THIS SECTION BECAUSE OF
27 SUCH CONVICTION; PROVIDED HOWEVER THAT A CORPORATION WHICH OTHERWISE
28 CONFORMS TO THE REQUIREMENTS OF THIS SECTION AND CHAPTER MAY BE LICENSED
29 IF EACH OF ITS PRINCIPAL OFFICERS AND MORE THAN ONE-HALF OF ITS DIREC-
30 TORS ARE CITIZENS OF THE UNITED STATES OR ALIENS LAWFULLY ADMITTED FOR
31 PERMANENT RESIDENCE IN THE UNITED STATES; AND PROVIDED FURTHER THAT A
32 CORPORATION ORGANIZED UNDER THE NOT-FOR-PROFIT CORPORATION LAW OR THE
33 EDUCATION LAW WHICH OTHERWISE CONFORMS TO THE REQUIREMENTS OF THIS
34 SECTION AND CHAPTER MAY BE LICENSED IF EACH OF ITS PRINCIPAL OFFICERS
35 AND MORE THAN ONE-HALF OF ITS DIRECTORS ARE NOT LESS THAN TWENTY-ONE
36 YEARS OF AGE AND NONE OF ITS DIRECTORS ARE LESS THAN EIGHTEEN YEARS OF
37 AGE; AND PROVIDED FURTHER THAT A CORPORATION ORGANIZED UNDER THE
38 NOT-FOR-PROFIT CORPORATION LAW OR THE EDUCATION LAW AND LOCATED ON THE
39 PREMISES OF A COLLEGE AS DEFINED BY SECTION TWO OF THE EDUCATION LAW
40 WHICH OTHERWISE CONFORMS TO THE REQUIREMENTS OF THIS SECTION AND CHAPTER
41 MAY BE LICENSED IF EACH OF ITS PRINCIPAL OFFICERS AND EACH OF ITS DIREC-
42 TORS ARE NOT LESS THAN EIGHTEEN YEARS OF AGE.

43 5. (A) A PERSON WHO SHALL HAVE HAD ANY LICENSE ISSUED UNDER THIS CHAP-
44 TER REVOKED FOR CAUSE, UNTIL THE EXPIRATION OF TWO YEARS FROM THE DATE
45 OF SUCH REVOCATION.

46 (B) A PERSON NOT LICENSED UNDER THE PROVISIONS OF THIS CHAPTER, WHO
47 HAS BEEN CONVICTED OF A VIOLATION OF THIS CHAPTER, UNTIL THE EXPIRATION
48 OF TWO YEARS FROM THE DATE OF SUCH CONVICTION.

49 6. A CORPORATION OR CO-PARTNERSHIP, IF ANY OFFICER AND DIRECTOR OR ANY
50 PARTNER, WHILE NOT LICENSED UNDER THE PROVISIONS OF THIS CHAPTER, HAS
51 BEEN CONVICTED OF A VIOLATION OF THIS CHAPTER, OR HAS HAD A LICENSE
52 ISSUED UNDER THIS CHAPTER REVOKED FOR CAUSE, UNTIL THE EXPIRATION OF TWO
53 YEARS FROM THE DATE OF SUCH CONVICTION OR REVOCATION.

54 S 187. SURRENDER OF LICENSE; NOTICE TO POLICE OFFICIALS. WITHIN THREE
55 DAYS AFTER A LICENSE SHALL HAVE BEEN REVOKED PURSUANT TO THIS CHAPTER,
56 NOTICE THEREOF SHALL BE GIVEN TO THE LICENSEE BY MAILING SUCH NOTICE

1 ADDRESSED TO HIM AT THE PREMISES LICENSED. NOTICE SHALL ALSO BE MAILED
2 TO THE OWNER OF THE PREMISES LICENSED. THE HOLDER OF SUCH LICENSE SHALL
3 THEREUPON SURRENDER SAME TO THE LIQUOR AUTHORITY. THE MAILING THEREOF BY
4 THE LICENSEE TO THE LIQUOR AUTHORITY BY REGISTERED MAIL OR INSURED
5 PARCEL POST SHALL BE DEEMED SUFFICIENT COMPLIANCE WITH THIS SECTION. THE
6 LIQUOR AUTHORITY, IMMEDIATELY UPON GIVING NOTICE OF REVOCATION, SHALL
7 SERVE A WRITTEN NOTICE THEREOF UPON THE COMMISSIONER OF POLICE, CHIEF OF
8 POLICE OR CHIEF POLICE OFFICER OF THE CITY, OR VILLAGE IN WHICH THE
9 PREMISES FOR WHICH THE REVOKED LICENSE WAS ISSUED IS SITUATED, OR UPON
10 THE SHERIFF OF THE COUNTY OR A CONSTABLE OF THE TOWN IN CASE THE LICENSE
11 WAS ISSUED FOR PREMISES SITUATED IN A TOWN AND NOT WITHIN ANY CITY OR
12 VILLAGE. SUCH NOTICE SHALL INCLUDE A STATEMENT OF THE NUMBER OF SUCH
13 LICENSE, THE NAME AND PLACE OF RESIDENCE OF THE HOLDER THEREOF, THE
14 LOCATION OF THE LICENSED PREMISES, AND THE DATE WHEN SUCH LICENSE WAS
15 REVOKED. IN CASE SUCH LICENSE BE NOT FORTHWITH SURRENDERED, THE LIQUOR
16 AUTHORITY SHALL ISSUE A WRITTEN DEMAND FOR THE SURRENDER OF SUCH LICENSE
17 AND DELIVER SAID DEMAND TO THE SHERIFF OF THE COUNTY IN WHICH THE
18 LICENSED PREMISES ARE LOCATED, OR TO ANY REPRESENTATIVE OF THE LIQUOR
19 AUTHORITY, AND SAID SHERIFF OR REPRESENTATIVE SHALL IMMEDIATELY TAKE
20 POSSESSION OF SUCH LICENSE AND RETURN THE SAME TO THE LIQUOR AUTHORITY.

21 S 188. AUTHORITY TO PROMULGATE RULES AND REGULATIONS. THE LIQUOR
22 AUTHORITY SHALL PROMULGATE AND IMPLEMENT ALL RULES AND REGULATIONS AS IT
23 DEEMS NECESSARY TO CARRY OUT THE PURPOSE AND INTENT OF THIS ARTICLE.

24 S 189. PROTECTIONS FOR THE USE OF MARIHUANA. INDIVIDUALS AND LICENSED
25 ENTITIES SHALL NOT BE SUBJECT TO ARREST, PROSECUTION, OR PENALTY IN ANY
26 MANNER, OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING BUT NOT LIMITED TO
27 CIVIL LIABILITY OR DISCIPLINARY ACTION BY A BUSINESS OR OCCUPATIONAL OR
28 PROFESSIONAL LICENSING BOARD OR BUREAU, SOLELY FOR CONDUCT PERMITTED
29 UNDER THIS CHAPTER. STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL NOT
30 COOPERATE WITH OR PROVIDE ASSISTANCE TO THE GOVERNMENT OF THE UNITED
31 STATES OR ANY AGENCY THEREOF IN ENFORCING THE CONTROLLED SUBSTANCE ACT,
32 21, U.S.C. S8012 ET SEQ., SOLELY FOR ACTIONS CONSISTENT WITH THIS CHAP-
33 TER, EXCEPT AS PURSUANT TO A VALID COURT ORDER.

34 S 190. CIVIL PROTECTIONS FOR THE USE OF MARIHUANA. THE PRESENCE OF
35 CANNABINOID METABOLITES IN THE BODILY FLUIDS OF A PERSON ENGAGED IN
36 CONDUCT PERMITTED UNDER THIS CHAPTER BY:

37 1. A STUDENT, EMPLOYEE, OR TENANT, SHALL NOT FORM THE BASIS FOR
38 REFUSAL TO ENROLL OR EMPLOY OR LEASE TO OR OTHERWISE PENALIZE THAT
39 PERSON, UNLESS FAILING TO DO SO WOULD PUT THE SCHOOL, EMPLOYER, OR LAND-
40 LORD IN VIOLATION OF FEDERAL LAW OR CAUSE IT TO LOSE A FEDERAL CONTRACT
41 OR FUNDING;

42 2. A PATIENT, SHALL NOT CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE
43 RESULTING IN DENIAL OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANT, AND A
44 PATIENT'S USE OF MARIHUANA MAY ONLY BE CONSIDERED WITH RESPECT TO
45 EVIDENCE-BASED CLINICAL CRITERIA; AND

46 3. A PARENT OR LEGAL GUARDIAN OF A CHILD OR NEWBORN INFANT, OR A PREG-
47 NANT WOMAN, SHALL NOT FORM THE SOLE OR PRIMARY BASIS FOR ANY ACTION OR
48 PROCEEDING BY A CHILD WELFARE AGENCY UNDER TITLE ONE OF ARTICLE SIX OF
49 THE SOCIAL SERVICES LAW, OR A FAMILY COURT UNDER ARTICLE TEN OF THE
50 FAMILY COURT ACT.

51 S 31. The tax law is amended by adding a new article 18-A to read as
52 follows:

53 ARTICLE 18-A

54 PROVISIONS RELATING TO MARIHUANA

55 SECTION 446. DEFINITIONS.

56 447. TAXES IMPOSED.

1 448. COLLECTION OF TAX.

2 449. FUND.

3 450. LOCAL TAXES ON MARIHUANA BY A CITY OR TOWN.

4 450-A. ORDINARY AND NECESSARY EXPENSES DEDUCTIBLE FROM NET
5 INCOME.

6 S 446. DEFINITIONS. AS USED IN THIS ARTICLE:

7 1. "CONCENTRATED CANNABIS" MEANS (A) THE SEPARATED RESIN, WHETHER
8 CRUDE OR PURIFIED, OBTAINED FROM A PLANT OF THE GENUS CANNABIS; OR (B) A
9 MATERIAL, PREPARATION, MIXTURE, COMPOUND OR OTHER SUBSTANCE WHICH
10 CONTAINS MORE THAN THREE PERCENT BY WEIGHT OF DELTA-9 TETRAHYDROCANNABI-
11 NOL, OR ITS ISOMER, DELTA-8 DIBENZOPYRAN NUMBERING SYSTEM, OR DELTA-1
12 TETRAHYDROCANNABINOL OR ITS ISOMER, DELTA 1 (6) MONOTERPENE NUMBERING
13 SYSTEM.

14 2. "MARIHUANA" MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS,
15 WHETHER GROWING OR NOT; THE SEEDS THEREOF; THE RESIN EXTRACTED FROM ANY
16 PART OF THE PLANT; AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE,
17 MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS OR RESIN. IT DOES NOT
18 INCLUDE THE MATURE STALKS OF THE PLANT, FIBER PRODUCED FROM THE STALKS,
19 OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, ANY OTHER COMPOUND, MANU-
20 FACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE MATURE STALKS
21 (EXCEPT THE RESIN EXTRACTED THEREFROM), FIBER, OIL, OR CAKE, OR THE
22 STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF GERMINATION. IT DOES
23 NOT INCLUDE ALL PARTS OF THE PLANT CANNABIS SATIVA L., WHETHER GROWING
24 OR NOT, HAVING NO MORE THAN THREE-TENTHS OF ONE PERCENT TETRAHYDROCANNA-
25 BINOL (THC).

26 3. "MARIHUANA CONSUMER" MEANS A PERSON TWENTY-ONE YEARS OF AGE OR
27 OLDER WHO PURCHASED MARIHUANA OR MARIHUANA PRODUCTS FOR PERSONAL USE BY
28 PERSONS TWENTY-ONE YEARS OF AGE OR OLDER, BUT NOT FOR RESALE TO OTHERS.

29 4. "MARIHUANA PROCESSOR" MEANS A PERSON LICENSED BY THE STATE LIQUOR
30 AUTHORITY TO PURCHASE MARIHUANA AND CONCENTRATED CANNABIS FROM MARIHUANA
31 PRODUCERS, TO PROCESS MARIHUANA, CONCENTRATED CANNABIS, AND MARIHUANA
32 INFUSED PRODUCTS, PACKAGE AND LABEL MARIHUANA, CONCENTRATED CANNABIS AND
33 MARIHUANA INFUSED PRODUCTS FOR SALE IN RETAIL OUTLETS, AND SELL MARIHUA-
34 NA, CONCENTRATED CANNABIS AND MARIHUANA INFUSED PRODUCTS AT WHOLESALE TO
35 MARIHUANA RETAILERS.

36 5. "MARIHUANA PRODUCER" MEANS A PERSON LICENSED BY THE STATE LIQUOR
37 AUTHORITY TO PRODUCE, PROCESS, AND SELL MARIHUANA AND CONCENTRATED
38 CANNABIS AT WHOLESALE TO MARIHUANA PROCESSORS, MARIHUANA RETAILERS, OR
39 OTHER MARIHUANA PRODUCERS, BUT NOT TO CONSUMERS.

40 6. "MARIHUANA PRODUCTS" MEANS MARIHUANA, CONCENTRATED CANNABIS, AND
41 MARIHUANA INFUSED PRODUCTS.

42 7. "MARIHUANA-INFUSED PRODUCTS" MEANS PRODUCTS THAT CONTAIN MARIHUANA,
43 MARIHUANA EXTRACTS, OR CONCENTRATED CANNABIS AND ARE INTENDED FOR HUMAN
44 USE OR CONSUMPTION, SUCH AS, BUT NOT LIMITED TO, EDIBLE PRODUCTS, OINT-
45 MENTS, AND TINCTURES.

46 8. "MARIHUANA RETAILER" MEANS A PERSON LICENSED BY THE STATE LIQUOR
47 AUTHORITY TO PURCHASE MARIHUANA, CONCENTRATED CANNABIS, AND
48 MARIHUANA-INFUSED PRODUCTS FROM MARIHUANA PRODUCERS AND MARIHUANA
49 PROCESSORS AND SELL MARIHUANA, MARIHUANA INFUSED PRODUCTS, AND CONCEN-
50 TRATED CANNABIS IN A RETAIL OUTLET.

51 9. "MARIHUANA RETAILER FOR ON-PREMISES CONSUMPTION" MEANS A PERSON
52 LICENSED BY THE STATE LIQUOR AUTHORITY TO PURCHASE MARIHUANA, CONCEN-
53 TRATED CANNABIS, AND MARIHUANA INFUSED PRODUCTS FROM MARIHUANA PRODUC-
54 ERS, MARIHUANA RETAILERS AND MARIHUANA PROCESSORS AND SELL MARIHUANA
55 PRODUCTS FOR A CUSTOMER TO CONSUME WHILE THE CUSTOMER IS WITHIN THE
56 FACILITY.

1 S 447. TAXES IMPOSED. AN EXCISE TAX IS HEREBY LEVIED UPON MARIHUANA
2 SOLD OR OTHERWISE TRANSFERRED FROM A MARIHUANA PRODUCER TO A MARIHUANA
3 PROCESSOR AT A RATE OF FIFTY DOLLARS PER OUNCE OF MARIHUANA AND FIFTY
4 DOLLARS PER QUARTER OUNCE OF CONCENTRATED CANNABIS. IN THE EVENT THAT A
5 PERSON HOLDS BOTH A MARIHUANA PRODUCER LICENSE AND A MARIHUANA PROCESS-
6 ORS LICENSE, THE EXCISE TAX SHALL BE LEVIED AT THE TIME OF SALE TO A
7 MARIHUANA RETAILER OR MARIHUANA RETAILER FOR ON-PREMISES CONSUMPTION AT
8 THE SAME RATE BASED ON CONTENT OF MARIHUANA OR CONCENTRATED CANNABIS
9 CONTAINED IN THE PRODUCT SOLD.

10 S 448. COLLECTION OF TAX. THIS TAX SHALL BE COLLECTED BY THE COMMIS-
11 SIONER WHO SHALL ESTABLISH A PROCEDURE FOR THE COLLECTION OF THIS TAX.

12 S 449. FUND. PROCEEDS FROM THE TAX SHALL BE GIVEN TO THE STATE COMP-
13 TROLLER FOR PLACEMENT IN A FUND THAT SHALL BE KNOWN AS A MARIHUANA
14 REVENUE FUND. FIFTEEN PERCENT OF THE REVENUE COLLECTED IN THE MARIHUANA
15 REVENUE FUND SHALL BE DIVIDED EQUALLY BETWEEN (A) THE DIVISION OF CRIMI-
16 NAL JUSTICE SERVICES FOR RE-ENTRY SUPPORT SERVICES FOR INDIVIDUALS
17 RELEASED FROM PRISON AFTER SERVING TIME FOR DRUG RELATED OFFENSES; (B)
18 THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES FOR DRUG ABUSE
19 PREVENTION AND TREATMENT PROGRAMS; AND (C) THE DEPARTMENT OF LABOR FOR
20 APPRENTICESHIP AND JOB TRAINING PROGRAMS TARGETING, WITH PREFERENCE
21 GIVEN TO PROGRAMS TARGETING CENSUS TRACTS WITH A POVERTY RATE OF AT
22 LEAST TWENTY PERCENT OR AN UNEMPLOYMENT RATE OF AT LEAST ONE AND ONE
23 QUARTER TIMES THE NEW YORK STATE UNEMPLOYMENT RATE. THE REMAINDER OF THE
24 REVENUE COLLECTED FROM THIS TAX SHALL GO INTO THE GENERAL FUND.

25 S 450. LOCAL TAXES ON MARIHUANA BY A CITY OR TOWN. ANY CITY OR TOWN IN
26 THIS STATE, ACTING THROUGH ITS LOCAL LEGISLATIVE BODY, IS HEREBY AUTHOR-
27 IZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS IMPOSING IN ANY SUCH
28 CITY OR TOWN A SALES TAX ON MARIHUANA RETAILERS AT A RATE OF FIVE
29 PERCENT OF THE SALE PRICE OF MARIHUANA PRODUCTS SOLD TO A MARIHUANA
30 CONSUMER. ANY TAXES IMPOSED PURSUANT TO THE AUTHORITY OF THIS SECTION
31 SHALL BE ADMINISTERED AND COLLECTED BY THE TAX COMMISSION IN THE SAME
32 MANNER AS THE TAXES IMPOSED UNDER SECTION FOUR HUNDRED FORTY-EIGHT OF
33 THIS ARTICLE. THE COMMISSIONER IS HEREBY EMPOWERED TO MAKE SUCH
34 PROVISIONS AS IT DEEMS NECESSARY FOR THE JOINT ADMINISTRATION AND
35 COLLECTION OF THE STATE AND LOCAL TAXES IMPOSED AND AUTHORIZED BY THIS
36 ARTICLE.

37 S 450-A. ORDINARY AND NECESSARY EXPENSES DEDUCTIBLE FROM NET INCOME.
38 NOTWITHSTANDING ANY FEDERAL TAX LAW TO THE CONTRARY, IN COMPUTING NET
39 INCOME FOR BUSINESSES EXEMPTED FROM CRIMINAL PENALTIES UNDER ARTICLES
40 TWO HUNDRED TWENTY AND TWO HUNDRED TWENTY-ONE OF THE PENAL LAW AND ARTI-
41 CLE ELEVEN OF THE ALCOHOLIC BEVERAGE CONTROL LAW, THERE SHALL BE ALLOWED
42 AS A DEDUCTION FROM STATE TAXES ALL THE ORDINARY AND NECESSARY EXPENSES
43 PAID OR INCURRED DURING THE TAXABLE YEAR IN CARRYING ON ANY TRADE OR
44 BUSINESS, INCLUDING, BUT NOT LIMITED TO, REASONABLE ALLOWANCE FOR SALA-
45 RIES OR OTHER COMPENSATION FOR PERSONAL SERVICES ACTUALLY RENDERED.

46 S 32. Subdivision 1 of section 170.56 of the criminal procedure law,
47 as amended by chapter 360 of the laws of 1977, is amended to read as
48 follows:

49 1. Upon or after arraignment in a local criminal court upon an infor-
50 mation, a prosecutor's information or a misdemeanor complaint, where the
51 sole remaining count or counts charge a violation or violations of
52 section 221.05, [221.10,] 221.15, 221.35 or 221.40 of the penal law and
53 before the entry of a plea of guilty thereto or commencement of a trial
54 thereof, the court, upon motion of a defendant, may order that all
55 proceedings be suspended and the action adjourned in contemplation of
56 dismissal, or upon a finding that adjournment would not be necessary or

1 appropriate and the setting forth in the record of the reasons for such
2 findings, may dismiss in furtherance of justice the accusatory instru-
3 ment; provided, however, that the court may not order such adjournment
4 in contemplation of dismissal or dismiss the accusatory instrument if:
5 (a) the defendant has previously been granted such adjournment in
6 contemplation of dismissal, or (b) the defendant has previously been
7 granted a dismissal under this section, or (c) the defendant has previ-
8 ously been convicted of any offense involving controlled substances, or
9 (d) the defendant has previously been convicted of a crime and the
10 district attorney does not consent or (e) the defendant has previously
11 been adjudicated a youthful offender on the basis of any act or acts
12 involving controlled substances and the district attorney does not
13 consent.

14 S 33. Section 210.46 of the criminal procedure law, as amended by
15 chapter 360 of the laws of 1977, is amended to read as follows:

16 S 210.46 Adjournment in contemplation of dismissal in marihuana cases
17 in a superior court.

18 Upon or after arraignment in a superior court upon an indictment where
19 the sole remaining count or counts charge a violation or violations of
20 section 221.05, [221.10,] 221.15, 221.35 or 221.40 of the penal law and
21 before the entry of a plea of guilty thereto or commencement of a trial
22 thereof, the court, upon motion of a defendant, may order that all
23 proceedings be suspended and the action adjourned in contemplation of
24 dismissal or may dismiss the indictment in furtherance of justice, in
25 accordance with the provisions of section 170.56 of this chapter.

26 S 34. Paragraph (c) of subdivision 8 of section 700.05 of the criminal
27 procedure law, as amended by section 11 of part AAA of chapter 56 of the
28 laws of 2009, is amended to read as follows:

29 (c) Criminal possession of a controlled substance in the seventh
30 degree as defined in section 220.03 of the penal law, criminal
31 possession of a controlled substance in the fifth degree as defined in
32 section 220.06 of the penal law, criminal possession of a controlled
33 substance in the fourth degree as defined in section 220.09 of the penal
34 law, criminal possession of a controlled substance in the third degree
35 as defined in section 220.16 of the penal law, criminal possession of a
36 controlled substance in the second degree as defined in section 220.18
37 of the penal law, criminal possession of a controlled substance in the
38 first degree as defined in section 220.21 of the penal law, criminal
39 sale of a controlled substance in the fifth degree as defined in section
40 220.31 of the penal law, criminal sale of a controlled substance in the
41 fourth degree as defined in section 220.34 of the penal law, criminal
42 sale of a controlled substance in the third degree as defined in section
43 220.39 of the penal law, criminal sale of a controlled substance in the
44 second degree as defined in section 220.41 of the penal law, criminal
45 sale of a controlled substance in the first degree as defined in section
46 220.43 of the penal law, criminally possessing a hypodermic instrument
47 as defined in section 220.45 of the penal law, criminal possession of
48 methamphetamine manufacturing material in the second degree as defined
49 in section 220.70 of the penal law, criminal possession of methampheta-
50 mine manufacturing material in the first degree as defined in section
51 220.71 of the penal law, criminal possession of precursors of methamphete-
52 mine as defined in section 220.72 of the penal law, unlawful manufac-
53 ture of methamphetamine in the third degree as defined in section 220.73
54 of the penal law, unlawful manufacture of methamphetamine in the second
55 degree as defined in section 220.74 of the penal law, unlawful manufac-
56 ture of methamphetamine in the first degree as defined in section 220.75

1 of the penal law, unlawful disposal of methamphetamine laboratory mate-
2 rial as defined in section 220.76 of the penal law, operating as a major
3 trafficker as defined in section 220.77 of the penal law, [criminal
4 possession of marihuana in the first degree as defined in section 221.30
5 of the penal law, criminal sale of marihuana in the first degree as
6 defined in section 221.55 of the penal law,] promoting gambling in the
7 second degree as defined in section 225.05 of the penal law, promoting
8 gambling in the first degree as defined in section 225.10 of the penal
9 law, possession of gambling records in the second degree as defined in
10 section 225.15 of the penal law, possession of gambling records in the
11 first degree as defined in section 225.20 of the penal law, and
12 possession of a gambling device as defined in section 225.30 of the
13 penal law;

14 S 35. Paragraphs (b) and (c) of subdivision 4-b and subdivisions 6 and
15 9 of section 1310 of the civil practice law and rules, paragraphs (b)
16 and (c) of subdivision 4-b as added by chapter 655 of the laws of 1990
17 and subdivisions 6 and 9 as added by chapter 669 of the laws of 1984,
18 are amended to read as follows:

19 (b) on three or more occasions, engaging in conduct constituting a
20 violation of any of the felonies defined in section 220.09, 220.16,
21 220.18, 220.21, 220.31, 220.34, 220.39, 220.41[,] OR 220.43 [or 221.55]
22 of the penal law, which violations do not constitute a single criminal
23 offense as defined in subdivision one of section 40.10 of the criminal
24 procedure law, or a single criminal transaction, as defined in paragraph
25 (a) of subdivision two of section 40.10 of the criminal procedure law,
26 and at least one of which resulted in a conviction of such offense, or
27 where the accusatory instrument charges one or more of such felonies,
28 conviction upon a plea of guilty to a felony for which such plea is
29 otherwise authorized by law; or

30 (c) a conviction of a person for a violation of section 220.09,
31 220.16, 220.34 or 220.39 of the penal law, [or a conviction of a crimi-
32 nal defendant for a violation of section 221.30 of the penal law,] or
33 where the accusatory instrument charges any such felony, conviction upon
34 a plea of guilty to a felony for which the plea is otherwise authorized
35 by law, together with evidence which: (i) provides substantial indicia
36 that the defendant used the real property to engage in a continual,
37 ongoing course of conduct involving the unlawful mixing, compounding,
38 manufacturing, warehousing, or packaging of controlled substances [or
39 where the conviction is for a violation of section 221.30 of the penal
40 law, marijuana,] as part of an illegal trade or business for gain; and
41 (ii) establishes, where the conviction is for possession of a controlled
42 substance [or where the conviction is for a violation of section 221.30
43 of the penal law, marijuana], that such possession was with the intent
44 to sell it.

45 [6. "Pre-conviction forfeiture crime" means only a felony defined in
46 article two hundred twenty or section 221.30 or 221.55 of the penal
47 law.]

48 9. "Criminal defendant" means a person who has criminal liability for
49 a crime defined in subdivisions five and six hereof. For purposes of
50 this article, a person has criminal liability when [(a)] he has been
51 convicted of a post-conviction forfeiture crime[, or (b) the claiming
52 authority proves by clear and convincing evidence that such person has
53 committed an act in violation of article two hundred twenty or section
54 221.30 or 221.55 of the penal law].

55 S 36. Subdivision 3-a and paragraphs (a) and (b) of subdivision 11 of
56 section 1311 of the civil practice law and rules, subdivision 3-a as

added by chapter 655 of the laws of 1990 and paragraphs (a) and (b) of subdivision 11 as amended by section 47 of part A1 of chapter 56 of the laws of 2010, are amended to read as follows:

3-a. Conviction of a person in a criminal action upon an accusatory instrument which includes one or more of the felonies specified in subdivision four-b of section thirteen hundred ten of this article, of any felony other than such felonies, shall not preclude a defendant, in any subsequent proceeding under this article where that conviction is at issue, from adducing evidence that the conduct underlying the conviction would not establish the elements of any of the felonies specified in such subdivision other than the one to which the criminal defendant pled guilty. If the defendant does adduce such evidence, the burden shall be upon the claiming authority to prove, by clear and convincing evidence, that the conduct underlying the criminal conviction would establish the elements of the felony specified in such subdivision. Nothing contained in this subdivision shall affect the validity of a settlement of any forfeiture action negotiated between the claiming authority and a criminal defendant contemporaneously with the taking of a plea of guilty in a criminal action to any felony defined in article two hundred twenty [or section 221.30 or 221.55] of the penal law, or to a felony conspiracy to commit the same.

(a) Any stipulation or settlement agreement between the parties to a forfeiture action shall be filed with the clerk of the court in which the forfeiture action is pending. No stipulation or settlement agreement shall be accepted for filing unless it is accompanied by an affidavit from the claiming authority that written notice of the stipulation or settlement agreement, including the terms of such, has been given to the office of victim services, the state division of criminal justice services[, and in the case of a forfeiture based on a felony defined in article two hundred twenty or section 221.30 or 221.55 of the penal law, to the state division of substance abuse services].

(b) No judgment or order of forfeiture shall be accepted for filing unless it is accompanied by an affidavit from the claiming authority that written notice of judgment or order, including the terms of such, has been given to the office of victim services, the state division of criminal justice services[, and in the case of a forfeiture based on a felony defined in article two hundred twenty or section 221.30 or 221.55 of the penal law, to the state division of substance abuse services].

S 37. Subdivision 13 of section 89-f of the general business law, as added by chapter 336 of the laws of 1992, is amended to read as follows:

13. "Serious offense" shall mean any felony involving the offenses enumerated in the closing paragraph of this subdivision; a criminal solicitation of or a conspiracy to commit or an attempt to commit or a criminal facilitation of a felony involving the offenses enumerated in the closing paragraph of this subdivision, which criminal solicitation, conspiracy, attempt or criminal facilitation itself constitutes a felony or any offense in any other jurisdiction which if committed in this state would constitute a felony; any offense in any other jurisdiction which if committed in this state would constitute a felony provided that for the purposes of this article, none of the following shall be considered criminal convictions or reported as such: (i) a conviction for which an executive pardon has been issued pursuant to the executive law; (ii) a conviction which has been vacated and replaced by a youthful offender finding pursuant to article seven hundred twenty of the criminal procedure law, or the applicable provisions of law of any other jurisdiction; or (iii) a conviction the records of which have been

1 sealed pursuant to the applicable provisions of the laws of this state
2 or of any other jurisdiction; and (iv) a conviction for which other
3 evidence of successful rehabilitation to remove the disability has been
4 issued.

5 Felonies involving: assault, aggravated assault and reckless endanger-
6 ment pursuant to article one hundred twenty; vehicular manslaughter,
7 manslaughter and murder pursuant to article one hundred twenty-five; sex
8 offenses pursuant to article one hundred thirty; unlawful imprisonment,
9 kidnapping or coercion pursuant to article one hundred thirty-five;
10 criminal trespass and burglary pursuant to article one hundred forty;
11 criminal mischief, criminal tampering and tampering with a consumer
12 product pursuant to article one hundred forty-five; arson pursuant to
13 article one hundred fifty; larceny and offenses involving theft pursuant
14 to article one hundred fifty-five; offenses involving computers pursuant
15 to article one hundred fifty-six; robbery pursuant to article one
16 hundred sixty; criminal possession of stolen property pursuant to arti-
17 cle one hundred sixty-five; forgery and related offenses pursuant to
18 article one hundred seventy; involving false written statements pursuant
19 to article one hundred seventy-five; commercial bribing and commercial
20 bribe receiving pursuant to article one hundred eighty; criminal imper-
21 sonation and scheme to defraud pursuant to article one hundred ninety;
22 bribery involving public servants and related offenses pursuant to arti-
23 cle two hundred; perjury and related offenses pursuant to article two
24 hundred ten; tampering with a witness, intimidating a victim or witness
25 and tampering with physical evidence pursuant to article two hundred
26 fifteen; criminal possession of a controlled substance pursuant to
27 sections 220.06, 220.09, 220.16, 220.18 and 220.21; criminal sale of a
28 controlled substance pursuant to sections 220.31, 220.34, 220.39,
29 220.41, 220.43 and 220.44; criminal sale of [marijuana] MARIHUANA IN THE
30 FIRST DEGREE pursuant to [sections] SECTION 221.45[, 221.50 and 221.55];
31 riot in the first degree, aggravated harassment in the first degree,
32 criminal nuisance in the first degree and falsely reporting an incident
33 in the second or first degree pursuant to article two hundred forty; and
34 crimes against public safety pursuant to article two hundred sixty-five
35 of the penal law.

36 S 38. Paragraph (f) of subdivision 2 of section 850 of the general
37 business law is REPEALED.

38 S 39. Paragraph (h) of subdivision 2 of section 850 of the general
39 business law, as amended by chapter 812 of the laws of 1980, is amended
40 to read as follows:

41 (h) Objects, used or designed for the purpose of ingesting, inhaling,
42 or otherwise introducing [marihuana,] cocaine, hashish, or hashish oil
43 into the human body.

44 S 40. Paragraph a of subdivision 4-a of section 165 of the state
45 finance law, as added by chapter 95 of the laws of 2000, is amended to
46 read as follows:

47 a. In order to advance specific economic goals, New York state
48 labelled wines, as defined in subdivision [twenty-a] TWENTY-J of section
49 three of the alcoholic beverage control law, shall have favored source
50 status for the purposes of procurement in accordance with the provisions
51 of this subdivision. Procurement of these New York state labelled wines
52 shall be exempt from the competitive procurement provisions of section
53 one hundred sixty-three of this article and other competitive procure-
54 ment statutes. Such exemption shall apply to New York state labelled
55 wines as defined in subdivision [twenty-a] TWENTY-J of section three of

1 the alcoholic beverage control law produced by a licensed winery as
2 defined in section seventy-six of the alcoholic beverage control law.

3 S 41. Subdivision 7 of section 995 of the executive law, as amended by
4 chapter 19 of the laws of 2012, is amended to read as follows:

5 7. "Designated offender" means a person convicted of any felony
6 defined in any chapter of the laws of the state or any misdemeanor
7 defined in the penal law [except that where the person is convicted
8 under section 221.10 of the penal law, only a person convicted under
9 subdivision two of such section, or a person convicted under subdivision
10 one of such section who stands previously convicted of any crime as
11 defined in subdivision six of section 10.00 of the penal law].

12 S 42. Paragraphs (b) and (c) of subdivision 7 of section 480.00 of the
13 penal law, paragraph (b) as amended by section 31 of part AAA of chapter
14 56 of the laws of 2009 and paragraph (c) as added by chapter 655 of the
15 laws of 1990, are amended to read as follows:

16 (b) three or more violations of any of the felonies defined in section
17 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41,
18 220.43[,] OR 220.77[, or 221.55] of this chapter, which violations do
19 not constitute a single criminal offense as defined in subdivision one
20 of section 40.10 of the criminal procedure law, or a single criminal
21 transaction, as defined in paragraph (a) of subdivision two of section
22 40.10 of the criminal procedure law, and at least one of which resulted
23 in a conviction of such offense, or where the accusatory instrument
24 charges one or more of such felonies, conviction upon a plea of guilty
25 to a felony for which such plea is otherwise authorized by law; or

26 (c) a conviction of a person for a violation of section 220.09,
27 220.16, 220.34[,] OR 220.39[, or 221.30] of this chapter, or where the
28 accusatory instrument charges any such felony, conviction upon a plea of
29 guilty to a felony for which the plea is otherwise authorized by law,
30 together with evidence which: (i) provides substantial indicia that the
31 defendant used the real property to engage in a continual, ongoing
32 course of conduct involving the unlawful mixing, compounding, manufac-
33 turing, warehousing, or packaging of controlled substances [or where the
34 conviction is for a violation of section 221.30 of this chapter, mari-
35 juana] as part of an illegal trade or business for gain; and (ii) estab-
36 lishes, where the conviction is for possession of a controlled substance
37 [or where the conviction is for a violation of section 221.30 of this
38 chapter, marijuana], that such possession was with the intent to sell
39 it.

40 S 43. Paragraph (c) of subdivision 4 of section 509-cc of the vehicle
41 and traffic law, as amended by chapter 400 of the laws of 2011, is
42 amended to read as follows:

43 (c) The offenses referred to in subparagraph (i) of paragraph (b) of
44 subdivision one and subparagraph (i) of paragraph (c) of subdivision two
45 of this section that result in disqualification for a period of five
46 years shall include a conviction under sections 100.10, 105.13, 115.05,
47 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13,
48 125.40, 125.45, 130.20, 130.25, 130.52, 130.55, 135.10, 135.55, 140.17,
49 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09,
50 220.16, 220.31, 220.34, 220.60, 220.65, [221.30, 221.50, 221.55,]
51 230.00, 230.05, 230.06, 230.20, 235.05, 235.06, 235.07, 235.21, 240.06,
52 245.00, 260.10, subdivision two of section 260.20 and sections 260.25,
53 265.02, 265.03, 265.08, 265.09, 265.10, 265.12, 265.35 of the penal law
54 or an attempt to commit any of the aforesaid offenses under section
55 110.00 of the penal law, or any similar offenses committed under a
56 former section of the penal law, or any offenses committed under a

1 former section of the penal law which would constitute violations of the
2 aforesaid sections of the penal law, or any offenses committed outside
3 this state which would constitute violations of the aforesaid sections
4 of the penal law.

5 S 44. Severability. If any provision or term of this act is for any
6 reason declared unconstitutional or invalid or ineffective by any court
7 of competent jurisdiction, such decision shall not affect the validity
8 of the effectiveness of the remaining portions of this act or any part
9 thereof.

10 S 45. This act shall take effect immediately.