

1747

2015-2016 Regular Sessions

I N S E N A T E

January 14, 2015

Introduced by Sens. KRUEGER, DILAN, HOYLMAN, MONTGOMERY, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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; to repeal paragraph (f) of subdivision 2 of section 850 of the general business law relating to drug related paraphernalia; and making an appropriation therefor

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

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

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1 also disproportionately impacted African-American and Latino communi-
2 ties. Regulating, controlling, and taxing marihuana like alcohol will
3 save criminal justice resources, reduce violent crime, reduce racial
4 disparities, and generate revenue.

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

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

17 Nothing in this act is intended to limit the authority of any district
18 government agency or office or employers to enact and enforce policies
19 pertaining to marihuana in the workplace, to allow driving under the
20 influence of marihuana, to allow individuals to engage in conduct that
21 endangers others, to allow smoking marihuana in any location where smok-
22 ing tobacco is prohibited, or to require any individual to engage in any
23 conduct that violates federal law or to exempt anyone from any require-
24 ment of federal law or pose any obstacle to the federal enforcement of
25 federal law.

26 Nothing in this act is intended to limit any privileges or rights of a
27 medical marihuana patient or medical marihuana caregiver under the New
28 York Compassionate Care Act.

29 S 3. Section 3302 of the public health law, as added by chapter 878 of
30 the laws of 1972, subdivisions 1, 14, 16, 17 and 27 as amended and
31 subdivisions 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 20, 21, 22, 23, 24,
32 25, 26, 28, 29 and 30 as renumbered by chapter 537 of the laws of 1998,
33 subdivisions 9 and 10 as amended and subdivisions 34, 35, 36, 37, 38, 39
34 and 40 as added by chapter 178 of the laws of 2010, paragraph (a) of
35 subdivision 20, the opening paragraph of subdivision 22 and subdivision
36 29 as amended by chapter 163 of the laws of 1973, subdivision 31 as
37 amended by section 4 of part A of chapter 58 of the laws of 2004, subdi-
38 vision 41 as added by section 6 of part A of chapter 447 of the laws of
39 2012, and subdivisions 42 and 43 as added by section 13 of part D of
40 chapter 60 of the laws of 2014, is amended to read as follows:

41 S 3302. Definitions of terms of general use in this article. Except
42 where different meanings are expressly specified in subsequent
43 provisions of this article, the following terms have the following mean-
44 ings:

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

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

51 3. "Agent" means an authorized person who acts on behalf of or at the
52 direction of a manufacturer, distributor, or dispenser. No person may be
53 authorized to so act if under title VIII of the education law such
54 person would not be permitted to engage in such conduct. It does not
55 include a common or contract carrier, public warehouseman, or employee

1 of the carrier or warehouseman when acting in the usual and lawful
2 course of the carrier's or warehouseman's business.

3 4. ["Concentrated Cannabis" means

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

6 (b) a material, preparation, mixture, compound or other substance
7 which contains more than two and one-half percent by weight of delta-9
8 tetrahydrocannabinol, or its isomer, delta-8 dibenzopyran numbering
9 system, or delta-1 tetrahydrocannabinol or its isomer, delta 1 (6) mono-
10 terpene numbering system.

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

13 [6.] 5. "Commissioner" means commissioner of health of the state of
14 New York.

15 [7.] 6. "Deliver" or "delivery" means the actual, constructive or
16 attempted transfer from one person to another of a controlled substance,
17 whether or not there is an agency relationship.

18 [8.] 7. "Department" means the department of health of the state of
19 New York.

20 [9.] 8. "Dispense" means to deliver a controlled substance to an ulti-
21 mate user or research subject by lawful means, including by means of the
22 internet, and includes the packaging, labeling, or compounding necessary
23 to prepare the substance for such delivery.

24 [10.] 9. "Distribute" means to deliver a controlled substance, includ-
25 ing by means of the internet, other than by administering or dispensing.

26 [11.] 10. "Distributor" means a person who distributes a controlled
27 substance.

28 [12.] 11. "Diversion" means manufacture, possession, delivery or use
29 of a controlled substance by a person or in a manner not specifically
30 authorized by law.

31 [13.] 12. "Drug" means

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

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

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

40 [14.] 13. "Federal agency" means the Drug Enforcement Administration,
41 United States Department of Justice, or its successor agency.

42 [15.] 14. "Federal controlled substances act" means the Comprehensive
43 Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, and
44 any act or acts amendatory or supplemental thereto or regulations
45 promulgated thereunder.

46 [16.] 15. "Federal registration number" means such number assigned by
47 the Federal agency to any person authorized to manufacture, distribute,
48 sell, dispense or administer controlled substances.

49 [17.] 16. "Habitual user" means any person who is, or by reason of
50 repeated use of any controlled substance for non-legitimate or unlawful
51 use is in danger of becoming, dependent upon such substance.

52 [18.] 17. "Institutional dispenser" means a hospital, veterinary
53 hospital, clinic, dispensary, maternity home, nursing home, mental
54 hospital or similar facility approved and certified by the department as
55 authorized to obtain controlled substances by distribution and to

1 dispense and administer such substances pursuant to the order of a prac-
2 titioner.

3 [19.] 18. "License" means a written authorization issued by the
4 department or the New York state department of education permitting
5 persons to engage in a specified activity with respect to controlled
6 substances.

7 [20.] 19. "Manufacture" means the production, preparation, propa-
8 gation, compounding, cultivation, conversion or processing of a
9 controlled substance, either directly or indirectly or by extraction
10 from substances of natural origin, or independently by means of chemical
11 synthesis, or by a combination of extraction and chemical synthesis, and
12 includes any packaging or repackaging of the substance or labeling or
13 relabeling of its container, except that this term does not include the
14 preparation, compounding, packaging or labeling of a controlled
15 substance:

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

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

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

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

33 [22.] 20. "Narcotic drug" means any of the following, whether produced
34 directly or indirectly by extraction from substances of vegetable
35 origin, or independently by means of chemical synthesis, or by a combi-
36 nation of extraction and chemical synthesis:

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

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

43 (c) opium poppy and poppy straw.

44 [23.] 21. "Opiate" means any substance having an addiction-forming or
45 addiction-sustaining liability similar to morphine or being capable of
46 conversion into a drug having addiction-forming or addiction-sustaining
47 liability. It does not include, unless specifically designated as
48 controlled under section [3306] THIRTY-THREE HUNDRED SIX of this [arti-
49 cle] TITLE, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and
50 its salts (dextromethorphan). It does include its racemic and levorota-
51 tory forms.

52 [24.] 22. "Opium poppy" means the plant of the species *Papaver*
53 *somniferum* L., except its seeds.

54 [25.] 23. "Person" means individual, institution, corporation, govern-
55 ment or governmental subdivision or agency, business trust, estate,
56 trust, partnership or association, or any other legal entity.

1 [26.] 24. "Pharmacist" means any person licensed by the state depart-
2 ment of education to practice pharmacy.

3 [27.] 25. "Pharmacy" means any place registered as such by the New
4 York state board of pharmacy and registered with the Federal agency
5 pursuant to the federal controlled substances act.

6 [28.] 26. "Poppy straw" means all parts, except the seeds, of the
7 opium poppy, after mowing.

8 [29.] 27. "Practitioner" means:

9 A physician, dentist, podiatrist, veterinarian, scientific investi-
10 gator, or other person licensed, or otherwise permitted to dispense,
11 administer or conduct research with respect to a controlled substance in
12 the course of a licensed professional practice or research licensed
13 pursuant to this article. Such person shall be deemed a "practitioner"
14 only as to such substances, or conduct relating to such substances, as
15 is permitted by his license, permit or otherwise permitted by law.

16 [30.] 28. "Prescribe" means a direction or authorization, by
17 prescription, permitting an ultimate user lawfully to obtain controlled
18 substances from any person authorized by law to dispense such
19 substances.

20 [31.] 29. "Prescription" shall mean an official New York state
21 prescription, an electronic prescription, an oral prescription[,] OR an
22 out-of-state prescription[, or any one].

23 [32.] 30. "Sell" means to sell, exchange, give or dispose of to anothe-
24 er, or offer or agree to do the same.

25 [33.] 31. "Ultimate user" means a person who lawfully obtains and
26 possesses a controlled substance for his own use or the use by a member
27 of his household or for an animal owned by him or in his custody. It
28 shall also mean and include a person designated, by a practitioner on a
29 prescription, to obtain such substance on behalf of the patient for whom
30 such substance is intended.

31 [34.] 32. "Internet" means collectively computer and telecommuni-
32 cations facilities which comprise the worldwide network of networks that
33 employ a set of industry standards and protocols, or any predecessor or
34 successor protocol to such protocol, to exchange information of all
35 kinds. "Internet," as used in this article, also includes other
36 networks, whether private or public, used to transmit information by
37 electronic means.

38 [35.] 33. "By means of the internet" means any sale, delivery,
39 distribution, or dispensing of a controlled substance that uses the
40 internet, is initiated by use of the internet or causes the internet to
41 be used.

42 [36.] 34. "Online dispenser" means a practitioner, pharmacy, or person
43 in the United States that sells, delivers or dispenses, or offers to
44 sell, deliver, or dispense, a controlled substance by means of the
45 internet.

46 [37.] 35. "Electronic prescription" means a prescription issued with
47 an electronic signature and transmitted by electronic means in accord-
48 ance with regulations of the commissioner and the commissioner of educa-
49 tion and consistent with federal requirements. A prescription generated
50 on an electronic system that is printed out or transmitted via facsimile
51 is not considered an electronic prescription and must be manually
52 signed.

53 [38.] 36. "Electronic" means of or relating to technology having elec-
54 trical, digital, magnetic, wireless, optical, electromagnetic or similar
55 capabilities. "Electronic" shall not include facsimile.

1 [39.] 37. "Electronic record" means a paperless record that is
2 created, generated, transmitted, communicated, received or stored by
3 means of electronic equipment and includes the preservation, retrieval,
4 use and disposition in accordance with regulations of the commissioner
5 and the commissioner of education and in compliance with federal law and
6 regulations.

7 [40.] 38. "Electronic signature" means an electronic sound, symbol, or
8 process, attached to or logically associated with an electronic record
9 and executed or adopted by a person with the intent to sign the record,
10 in accordance with regulations of the commissioner and the commissioner
11 of education.

12 [41.] 39. "Registry" or "prescription monitoring program registry"
13 means the prescription monitoring program registry established pursuant
14 to section thirty-three hundred forty-three-a of this article.

15 [42.] 40. "Compounding" means the combining, admixing, mixing, dilut-
16 ing, pooling, reconstituting, or otherwise altering of a drug or bulk
17 drug substance to create a drug with respect to an outsourcing facility
18 under section 503B of the federal Food, Drug and Cosmetic Act and
19 further defined in this section.

20 [43.] 41. "Outsourcing facility" means a facility that:

21 (a) is engaged in the compounding of sterile drugs as defined in
22 section sixty-eight hundred two of the education law;

23 (b) is currently registered as an outsourcing facility pursuant to
24 article one hundred thirty-seven of the education law; and

25 (c) complies with all applicable requirements of federal and state
26 law, including the Federal Food, Drug and Cosmetic Act.

27 Notwithstanding any other provision of law to the contrary, when an
28 outsourcing facility distributes or dispenses any drug to any person
29 pursuant to a prescription, such outsourcing facility shall be deemed to
30 be providing pharmacy services and shall be subject to all laws, rules
31 and regulations governing pharmacies and pharmacy services.

32 S 4. Paragraphs 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,
33 26, 27, 28, 29, 30, 31 and 32 of subdivision (d) of schedule I of
34 section 3306 of the public health law, paragraphs 13, 14, 15, 16, 17,
35 18, 19, 20, 21, 22, 23 and 24 as added by chapter 664 of the laws of
36 1985, paragraphs 25, 26, 27, 28, 29 and 30 as added by chapter 589 of
37 the laws of 1996 and paragraphs 31 and 32 as added by chapter 457 of the
38 laws of 2006, are amended to read as follows:

39 (13) [Marihuana.

40 (14)] Mescaline.

41 [(15)] (14) Parahexyl. Some trade or other names: 3-Hexyl-1-hydroxy-
42 7,8,9,10-tetra hydro-6,6,9-trimethyl-6H-dibenfo{b,d} pyran.

43 [(16)] (15) Peyote. Meaning all parts of the plant presently classi-
44 fied botanically as *Lophophora williamsii* Lemaire, whether growing or
45 not, the seeds thereof, any extract from any part of such plant, and
46 every compound, manufacture, salts, derivative, mixture, or preparation
47 of such plant, its seeds or extracts.

48 [(17)] (16) N-ethyl-3-piperidyl benzilate.

49 [(18)] (17) N-methyl-3-piperidyl benzilate.

50 [(19)] (18) Psilocybin.

51 [(20)] (19) Psilocyn.

52 [(21)] (20) Tetrahydrocannabinols. Synthetic TETRAHYDROCANNABINOLS NOT
53 DERIVED FROM THE CANNABIS PLANT THAT ARE equivalents of the substances
54 contained in the plant, or in the resinous extractives of cannabis, sp.
55 and/or synthetic substances, derivatives, and their isomers with similar
56 chemical structure and pharmacological activity such as the following:

1 /\1 cis or trans tetrahydrocannabinol, and their optical isomers
2 /\6 cis or trans tetrahydrocannabinol, and their optical isomers
3 /\3, 4 cis or trans tetrahydrocannabinol, and its optical isomers
4 (since nomenclature of these substances is not internationally standard-
5 ized, compounds of these structures, regardless of numerical designation
6 of atomic positions covered).
7 [(22)] (21) Ethylamine analog of phencyclidine. Some trade or other
8 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethyla-
9 mine, N-(1-phenylcyclohexyl) ethylamine cyclohexamine, PCE.
10 [(23)] (22) Pyrrolidine analog of phencyclidine. Some trade or other
11 names 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy, PHP.
12 [(24)] (23) Thiophene analog of phencyclidine. Some trade or other
13 names: 1-{1-(2-thienyl)-cyclohexyl}-piperidine, 2-thienylanalog of
14 phencyclidine, TPCP, TCP.
15 [(25)] (24) 3,4-methylenedioxyamphetamine (MDMA).
16 [(26)] (25) 3,4-methylenedioxy-N-ethylamphetamine (also known as
17 N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA,
18 MDE, MDEA.
19 [(27)] (26) N-hydroxy-3,4-methylenedioxyamphetamine (also known as
20 N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and
21 N-hydroxy MDA.
22 [(28)] (27) 1-{1-(2-thienyl) cyclohexyl} pyrrolidine. Some other
23 names: TCPY.
24 [(29)] (28) Alpha-ethyltryptamine. Some trade or other names:
25 etryptamine; Monase; Alpha-ethyl-1H-indole-3-ethanamine;
26 3-(2-aminobutyl) indole; Alpha-ET or AET.
27 [(30)] (29) 2,5-dimethoxy-4-ethylamphetamine. Some trade or other
28 names: DOET.
29 [(31)] (30) 4-Bromo-2,5-dimethoxyphenethylamine. Some trade or other
30 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
31 DOB; 2C-B, Nexus.
32 [(32)] (31) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its
33 optical isomers, salts and salts of isomers.
34 S 5. Section 3382 of the public health law, as added by chapter 878 of
35 the laws of 1972, is amended to read as follows:
36 S 3382. Growing of the plant known as Cannabis by unlicensed persons.
37 A person who, without being licensed so to do under this article, grows
38 the plant of the genus Cannabis or knowingly allows it to grow on his
39 land without destroying the same, shall be guilty of a class A
40 misdemeanor. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A PERSON
41 EIGHTEEN YEARS OF AGE OR OLDER WHO POSSESSES, GROWS, OR TRANSPORTS NO
42 MORE THAN SIX MARIHUANA PLANTS, WITH THREE OR FEWER BEING MATURE,
43 FLOWERING PLANTS, PROVIDED THAT THE PLANTS ARE GROWN IN AN ENCLOSED,
44 LOCKED SPACE, NOT OPENLY OR PUBLICLY, AND THAT THE MARIHUANA IS NOT
45 SOLD.
46 S 6. Subdivision 1 of section 3397-b of the public health law, as
47 added by chapter 810 of the laws of 1980, is amended to read as follows:
48 1. ["Marijuana"] "MARIHUANA" means [marijuana] MARIHUANA as defined in
49 [section thirty-three hundred two of this chapter] SUBDIVISION SIX OF
50 SECTION 220.00 OF THE PENAL LAW and shall also include
51 tetrahydrocannabinols or a chemical derivative of tetrahydrocannabinol.
52 S 7. Section 114-a of the vehicle and traffic law, as added by chapter
53 163 of the laws of 1973, is amended to read as follows:
54 S 114-a. Drug. The term "drug" when used in this chapter, means and
55 includes any substance listed in section thirty-three hundred six of the

1 public health law AND MARIHUANA AND CONCENTRATED CANNABIS AS DEFINED IN
2 SECTION 220.00 OF THE PENAL LAW.

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

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

13 6. "Marihuana" means ["marihuana" or "concentrated cannabis" as those
14 terms are defined in section thirty-three hundred two of the public
15 health law] ALL PARTS OF THE PLANT OF THE GENUS CANNABIS, WHETHER GROW-
16 ING OR NOT; THE SEEDS THEREOF; THE RESIN EXTRACTED FROM ANY PART OF THE
17 PLANT; AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR
18 PREPARATION OF THE PLANT, ITS SEEDS OR RESIN. IT DOES NOT INCLUDE THE
19 MATURE STALKS OF THE PLANT, FIBER PRODUCED FROM THE STALKS, OIL OR CAKE
20 MADE FROM THE SEEDS OF THE PLANT, ANY OTHER COMPOUND, MANUFACTURE, SALT,
21 DERIVATIVE, MIXTURE, OR PREPARATION OF THE MATURE STALKS (EXCEPT THE
22 RESIN EXTRACTED THEREFROM), FIBER, OIL, OR CAKE, OR THE STERILIZED SEED
23 OF THE PLANT WHICH IS INCAPABLE OF GERMINATION. IT DOES NOT INCLUDE ALL
24 PARTS OF THE PLANT CANNABIS SATIVA L., WHETHER GROWING OR NOT, HAVING NO
25 MORE THAN THREE-TENTHS OF ONE PERCENT TETRAHYDROCANNABINOL (THC).

26 9. "Hallucinogen" means any controlled substance listed in schedule
27 I(d) (5), [(18), (19), (20), (21) and (22)] (17), (18), (19), (20) AND
28 (21).

29 21. "CONCENTRATED CANNABIS" MEANS:

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

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

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

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

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

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

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

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

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

6 S 220.50 Criminally using drug paraphernalia in the second degree.

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

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

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

24 3. Scales and balances used or designed for the purpose of weighing or
25 measuring controlled substances, under circumstances evincing an intent
26 to use, or under circumstances evincing knowledge that some person
27 intends to use, the same for purpose of unlawfully manufacturing, pack-
28 aging or dispensing of any narcotic drug or stimulant, OTHER THAN MARI-
29 HUANA OR CONCENTRATED CANNABIS.

30 Criminally using drug paraphernalia in the second degree is a class A
31 misdemeanor.

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

34 S 221.05 Unlawful possession of marihuana.

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

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

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

40 Unlawful possession of marihuana is a violation punishable only by a
41 fine of not more than one hundred dollars. However, where the defendant
42 has previously been convicted of an offense defined in this article or
43 article [220] TWO HUNDRED TWENTY of this [chapter] TITLE, committed
44 within the three years immediately preceding such violation, it shall be
45 punishable (a) only by a fine of not more than two hundred dollars, if
46 the defendant was previously convicted of one such offense committed
47 during such period, and (b) by a fine of not more than two hundred fifty
48 dollars or a term of imprisonment not in excess of fifteen days or both,
49 if the defendant was previously convicted of two such offenses committed
50 during such period.

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

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

55 A person is guilty of criminal possession of marihuana in the [fourth]
56 SECOND degree when he knowingly and unlawfully possesses [one or more

1 preparations, compounds, mixtures or substances containing marihuana and
2 the preparations, compounds, mixtures or substances are of an aggregate
3 weight of] more than two ounces OF MARIHUANA, MORE THAN SIXTEEN OUNCES
4 FOR ANY MIXTURES OR SUBSTANCES CONTAINING MARIHUANA IN SOLID FORM, OR
5 MORE THAN SEVENTY-TWO OUNCES FOR ANY MIXTURES OR SUBSTANCES CONTAINING
6 MARIHUANA IN LIQUID FORM, OR MORE THAN ONE-FOURTH OF ONE OUNCE OF
7 CONCENTRATED CANNABIS.

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

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

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

14 A person is guilty of criminal possession of marihuana in the [third]
15 FIRST degree when he knowingly and unlawfully possesses [one or more
16 preparations, compounds, mixtures or substances containing marihuana and
17 the preparations, compounds, mixtures or substances are of an aggregate
18 weight of] more than eight ounces OF MARIHUANA, MORE THAN SIXTY-FOUR
19 OUNCES FOR ANY MIXTURES OR SUBSTANCES CONTAINING MARIHUANA IN SOLID
20 FORM, OR MORE THAN TWO GALLONS FOR ANY MIXTURES OR SUBSTANCES CONTAINING
21 MARIHUANA IN LIQUID FORM, OR MORE THAN ONE OUNCE OF CONCENTRATED CANNA-
22 BIS.

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

25 S 16. Sections 221.10, 221.25 and 221.30 of the penal law are
26 REPEALED.

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

29 S 221.25 HOME CULTIVATION OF MARIHUANA EXCEPTION.

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

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

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

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

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

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

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

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

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

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

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

5 A person is guilty of criminal sale of marihuana in the [third] FIRST
6 degree when he knowingly and unlawfully sells [one or more preparations,
7 compounds, mixtures or substances containing marihuana and the prepara-
8 tions, compounds, mixtures or substances are of an aggregate weight of
9 more than twenty-five grams] TWO OUNCES OF MARIHUANA, MORE THAN SIXTEEN
10 OUNCES FOR ANY MIXTURES OR SUBSTANCES CONTAINING MARIHUANA IN SOLID
11 FORM, OR MORE THAN SEVENTY-TWO OUNCES FOR ANY MIXTURES OR SUBSTANCES
12 CONTAINING MARIHUANA IN LIQUID FORM, OR MORE THAN ONE-FOURTH OF ONE
13 OUNCE OF CONCENTRATED CANNABIS.

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

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

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

19 S 221.60 LICENSING OF MARIHUANA PRODUCTION AND DISTRIBUTION.

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

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

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

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

33 S 2. Policy of state and purpose of chapter. It is hereby declared as
34 the policy of the state that it is necessary to regulate and control the
35 manufacture, sale and distribution within the state of alcoholic bever-
36 ages AND MARIHUANA PRODUCTS for the purpose of fostering and promoting
37 temperance in their consumption and respect for and obedience to law. It
38 is hereby declared that such policy will best be carried out by empower-
39 ing the liquor authority of the state to determine whether public
40 convenience and advantage will be promoted by the issuance of licenses
41 to traffic in alcoholic beverages AND MARIHUANA PRODUCTS, the increase
42 or decrease in the number thereof and the location of premises licensed
43 thereby, subject only to the right of judicial review hereinafter
44 provided for. It is the purpose of this chapter to carry out that policy
45 in the public interest. The restrictions, regulations and provisions
46 contained in this chapter are enacted by the legislature for the
47 protection, health, welfare and safety of the people of the state.

48 S 25. Section 2 of the alcoholic beverage control law, as amended by
49 chapter 406 of the laws of 2014, is amended to read as follows:

50 S 2. Policy of state and purpose of chapter. It is hereby declared as
51 the policy of the state that it is necessary to regulate and control the
52 manufacture, sale and distribution within the state of alcoholic bever-
53 ages AND MARIHUANA PRODUCTS for the purpose of fostering and promoting
54 temperance in their consumption and respect for and obedience to law;
55 for the primary purpose of promoting the health, welfare and safety of
56 the people of the state, promoting temperance in the consumption of

1 alcoholic beverages AND MARIHUANA PRODUCTS; and, to the extent possible,
2 supporting economic growth, job development, and the state's alcoholic
3 beverage production industries and its tourism and recreation industry;
4 and which promotes the conservation and enhancement of state agricul-
5 tural lands; provided that such activities do not conflict with the
6 primary regulatory objectives of this chapter. It is hereby declared
7 that such policies will best be carried out by empowering the liquor
8 authority of the state to determine whether public convenience and
9 advantage will be promoted by the issuance of licenses to traffic in
10 alcoholic beverages AND MARIHUANA PRODUCTS, the increase or decrease in
11 the number thereof and the location of premises licensed thereby,
12 subject only to the right of judicial review provided for in this chap-
13 ter. It is the purpose of this chapter to carry out these policies in
14 the public interest.

15 S 26. Subdivisions 20-a, 20-b, 20-c, 20-d and 20-e of section 3 of the
16 alcoholic beverage control law are renumbered subdivisions 20-j, 20-k,
17 20-l, 20-m and 20-n and ten new subdivisions 7-e, 20-a, 20-b, 20-c,
18 20-d, 20-e, 20-f, 20-g, 20-h and 20-i are added to read as follows:

19 7-E. "CONCENTRATED CANNABIS" MEANS: (A) THE SEPARATED RESIN, WHETHER
20 CRUDE OR PURIFIED, OBTAINED FROM A PLANT OF THE GENUS CANNABIS; OR

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

26 20-A. "MARIHUANA" MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS,
27 WHETHER GROWING OR NOT; THE SEEDS THEREOF; THE RESIN EXTRACTED FROM ANY
28 PART OF THE PLANT; AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE,
29 MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS OR RESIN. IT DOES NOT
30 INCLUDE THE MATURE STALKS OF THE PLANT, FIBER PRODUCED FROM THE STALKS,
31 OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, ANY OTHER COMPOUND, MANU-
32 FACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE MATURE STALKS
33 (EXCEPT THE RESIN EXTRACTED THEREFROM), FIBER, OIL, OR CAKE, OR THE
34 STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF GERMINATION. IT DOES
35 NOT INCLUDE ALL PARTS OF THE PLANT CANNABIS SATIVA L., WHETHER GROWING
36 OR NOT, HAVING NO MORE THAN THREE-TENTHS OF ONE PERCENT TETRAHYDROCANNA-
37 BINOL (THC).

38 20-B. "MARIHUANA CONSUMER" MEANS A PERSON TWENTY-ONE YEARS OF AGE OR
39 OLDER WHO PURCHASES MARIHUANA OR MARIHUANA PRODUCTS FOR PERSONAL USE BY
40 PERSONS TWENTY-ONE YEARS OF AGE OR OLDER, BUT NOT FOR RESALE TO OTHERS.

41 20-C. "MARIHUANA PROCESSOR" MEANS A PERSON LICENSED BY THE AUTHORITY
42 TO PURCHASE MARIHUANA AND CONCENTRATED CANNABIS FROM MARIHUANA PRODUC-
43 ERS, TO PROCESS MARIHUANA, CONCENTRATED CANNABIS, AND MARIHUANA INFUSED
44 PRODUCTS, PACKAGE AND LABEL MARIHUANA, CONCENTRATED CANNABIS AND MARI-
45 HUANA INFUSED PRODUCTS FOR SALE IN RETAIL OUTLETS, AND SELL MARIHUANA,
46 CONCENTRATED CANNABIS AND MARIHUANA INFUSED PRODUCTS AT WHOLESALE TO
47 MARIHUANA RETAILERS.

48 20-D. "MARIHUANA PRODUCER" MEANS A PERSON LICENSED BY THE AUTHORITY TO
49 PRODUCE, PROCESS, AND SELL MARIHUANA AND CONCENTRATED CANNABIS AT WHOLE-
50 SALE TO MARIHUANA PROCESSORS, MARIHUANA RETAILERS, OR OTHER MARIHUANA
51 PRODUCERS, BUT NOT TO CONSUMERS.

52 20-E. "MARIHUANA PRODUCTS" MEANS MARIHUANA, CONCENTRATED CANNABIS, AND
53 MARIHUANA-INFUSED PRODUCTS.

54 20-F. "MARIHUANA-INFUSED PRODUCTS" MEANS PRODUCTS THAT CONTAIN MARI-
55 HUANA, MARIHUANA EXTRACTS, OR CONCENTRATED CANNABIS AND ARE INTENDED FOR

1 HUMAN USE OR CONSUMPTION, SUCH AS, BUT NOT LIMITED TO, EDIBLE PRODUCTS,
2 OINTMENTS, AND TINCTURES.

3 20-G. "MARIHUANA RETAILER" MEANS A PERSON LICENSED BY THE AUTHORITY TO
4 PURCHASE MARIHUANA, CONCENTRATED CANNABIS, AND MARIHUANA-INFUSED
5 PRODUCTS FROM MARIHUANA PRODUCERS AND MARIHUANA PROCESSORS AND SELL
6 MARIHUANA, MARIHUANA INFUSED PRODUCTS, AND CONCENTRATED CANNABIS IN A
7 RETAIL OUTLET.

8 20-H. "MARIHUANA RETAILER FOR ON-PREMISES CONSUMPTION" MEANS A PERSON
9 LICENSED BY THE AUTHORITY TO PURCHASE MARIHUANA, CONCENTRATED CANNABIS,
10 AND MARIHUANA INFUSED PRODUCTS FROM MARIHUANA PRODUCERS, MARIHUANA
11 RETAILERS, AND MARIHUANA PROCESSORS AND SELL MARIHUANA PRODUCTS FOR A
12 CUSTOMER TO CONSUME WHILE THE CUSTOMER IS WITHIN A FACILITY.

13 20-I. "UNREASONABLY IMPRACTICABLE" MEANS THAT THE MEASURES NECESSARY
14 TO COMPLY WITH THE REGULATIONS REQUIRE SUCH A HIGH INVESTMENT OF RISK,
15 MONEY, TIME OR OTHER RESOURCE OR ASSET THAT THE OPERATION OF A MARIHUANA
16 ESTABLISHMENT IS NOT WORTHY OF BEING CARRIED OUT BY A REASONABLY PRUDENT
17 BUSINESSPERSON.

18 S 27. Section 65-b of the alcoholic beverage control law, as amended
19 by chapter 519 of the laws of 1999, paragraphs (b) and (c) of subdivi-
20 sion 3 as amended by chapter 257 of the laws of 2013 and the opening
21 paragraph of subdivision 6 as amended by chapter 503 of the laws of
22 2000, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

54 (i) The contents of an evaluation pursuant to paragraph (c) of this
55 subdivision shall be used for the sole purpose of determining if such

1 person suffers from the disease of alcoholism or alcohol OR MARIHUANA
2 abuse.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 S 28. Section 140 of the alcoholic beverage control law, as amended by
42 chapter 810 of the laws of 1981, is amended to read as follows:

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

50 S 29. Section 141 of the alcoholic beverage control law, as amended by
51 chapter 319 of the laws of 2007, is amended to read as follows:

52 S 141. Local option for towns. 1. Not less than sixty days nor more
53 than seventy-five days before the general election in any town at which
54 the submission of the questions hereinafter stated is authorized by this
55 article, a petition signed by electors of the town to a number amounting
56 to twenty-five per centum of the votes cast in the town for governor at

1 the then last preceding gubernatorial election, acknowledged by the
2 signers or authenticated by witnesses as provided in the election law in
3 respect of a nominating petition, requesting the submission at such
4 election to the electors of the town of one or more of the following
5 questions, may be filed with the town clerk:

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

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

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

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

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

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

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

53 QUESTION 8. MARIHUANA RETAILER LICENSE. SHALL A PERSON BE ALLOWED TO
54 OBTAIN A LICENSE TO OPERATE A RETAIL MARIHUANA STORE, TO SELL UNOPENED
55 MARIHUANA PRODUCTS TO A CUSTOMER TO BE TAKEN FROM THE STORE FOR THE

1 CUSTOMER TO OPEN AND CONSUME AT ANOTHER LOCATION (SUCH AS, FOR EXAMPLE,
2 AT HIS HOME)?

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

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

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

41 S 30. Subdivision 3 of section 142 of the alcoholic beverage control
42 law is amended to read as follows:

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

53 S 31. Subdivision 2 of section 147 of the alcoholic beverage control
54 law is amended to read as follows:

55 2. If at the time of any subsequent submission of such questions it
56 shall be lawful to sell alcoholic beverages OR MARIHUANA PRODUCTS and a

1 majority of the votes cast shall be in the negative on such questions,
2 then all of the provisions of this article applicable thereto shall
3 become effective.

4 S 32. Article 11 and sections 160, 161, 162, 163 and 164 of the alco-
5 holic beverage control law, as renumbered by chapter 725 of the laws of
6 1954, are renumbered article 12 and sections 200, 201, 202, 203 and 204.

7 S 33. The alcoholic beverage control law is amended by adding a new
8 article 11 to read as follows:

9 ARTICLE 11

10 PROVISIONS RELATING TO MARIHUANA

- 11 SECTION 165. LICENSES ISSUED.
- 12 166. PRODUCERS AND PROCESSORS NOT TO BE INTERESTED IN RETAILERS.
- 13 167. ACTIONS TAKEN PURSUANT TO A VALID LICENSE ARE LAWFUL.
- 14 168. GENERAL PROHIBITIONS AND RESTRICTIONS.
- 15 169. CERTAIN OFFICIALS NOT TO BE INTERESTED IN MANUFACTURE OR
16 SALE OF MARIHUANA.
- 17 170. PROVISIONS GOVERNING INITIAL RULEMAKING.
- 18 171. PROVISIONS GOVERNING MARIHUANA PRODUCERS.
- 19 172. PROVISIONS GOVERNING PROCESSORS.
- 20 173. PROVISIONS GOVERNING MARIHUANA RETAILERS.
- 21 174. PROVISIONS GOVERNING MARIHUANA RETAILERS FOR CONSUMPTION ON
22 PREMISES.
- 23 175. ADVERTISING AND FORMS OF THE ISSUANCE OF LICENSES.
- 24 176. PACKAGING OF MARIHUANA PRODUCTS.
- 25 177. LABELING OF MARIHUANA PRODUCTS.
- 26 178. RENEWALS OF LICENSES AND PERMITS.
- 27 179. INFORMATION TO BE REQUESTED IN APPLICATIONS FOR LICENSES OR
28 PERMITS.
- 29 180. NOTIFICATION TO MUNICIPALITIES.
- 30 181. LICENSES, PUBLICATION, GENERAL PROVISIONS.
- 31 182. REVOCATION OF LICENSES FOR CAUSE.
- 32 183. PROCEDURE FOR REVOCATION OR CANCELLATION.
- 33 184. DECISIONS OF LIQUOR AUTHORITY AND REVIEW BY THE COURTS.
- 34 185. MINORITY AND WOMEN BUSINESS ENTERPRISES.
- 35 186. DISPOSITION OF MONEYS RECEIVED FOR LICENSE FEES.
- 36 187. PERSONS FORBIDDEN TO TRAFFIC IN MARIHUANA.
- 37 188. SURRENDER OF LICENSE; NOTICE TO POLICE OFFICIALS.
- 38 189. AUTHORITY TO PROMULGATE RULES AND REGULATIONS.
- 39 190. PROTECTIONS FOR THE USE OF MARIHUANA.
- 40 191. CIVIL PROTECTIONS FOR THE USE OF MARIHUANA.
- 41 192. PROFESSIONAL AND MEDICAL RECORD KEEPING.

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

- 44 1. MARIHUANA PRODUCER LICENSE;
- 45 2. MARIHUANA PROCESSOR LICENSE;
- 46 3. MARIHUANA RETAILER LICENSE;
- 47 4. MARIHUANA RETAILER LICENSE FOR CONSUMPTION ON THE PREMISES; AND
- 48 5. ANY OTHER TYPE OF LICENSES ALLOWED BY THE AUTHORITY.

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

53 S 167. ACTIONS TAKEN PURSUANT TO A VALID LICENSE ARE LAWFUL. NO
54 CONTRACTS RELATED TO THE OPERATION OF LICENSES UNDER THIS CHAPTER SHALL
55 BE DEEMED UNENFORCEABLE ON THE BASIS THAT THE ACTIONS PERMITTED PURSUANT
56 TO THE LICENSE ARE PROHIBITED BY FEDERAL LAW. THE FOLLOWING ACTIONS ARE

1 NOT UNLAWFUL AS PROVIDED UNDER THIS CHAPTER, SHALL NOT BE AN OFFENSE
2 UNDER NEW YORK LAW OR THE LAWS OF ANY LOCALITY WITHIN NEW YORK, AND
3 SHALL NOT RESULT IN ANY CIVIL FINE, SEIZURE, OR FORFEITURE OF ASSETS
4 AGAINST ANY PERSON ACTING IN ACCORDANCE WITH THIS CHAPTER:

5 1. ACTIONS OF A LICENSEE, ITS EMPLOYEES, AND ITS AGENTS, AS PERMITTED
6 BY THIS CHAPTER AND CONSISTENT WITH RULES AND REGULATIONS OF THE AUTHOR-
7 ITY, PURSUANT TO A VALID LICENSE ISSUED BY THE AUTHORITY.

8 2. ACTIONS OF THOSE WHO ALLOW PROPERTY TO BE USED BY A LICENSEE, ITS
9 EMPLOYEES, AND ITS AGENTS, AS PERMITTED BY THIS CHAPTER AND CONSISTENT
10 WITH RULES AND REGULATIONS OF THE AUTHORITY, PURSUANT TO A VALID LICENSE
11 ISSUED BY THE AUTHORITY.

12 3. ACTIONS OF ANY PERSON OR ENTITY, THEIR EMPLOYEES, OR THEIR AGENTS
13 PROVIDING A SERVICE TO A LICENSEE OR POTENTIAL LICENSEE, AS PERMITTED BY
14 THIS CHAPTER AND CONSISTENT WITH RULES AND REGULATIONS OF THE AUTHORITY,
15 RELATING TO THE FORMATION OF A BUSINESS.

16 4. THE PURCHASE, POSSESSION, OR CONSUMPTION OF MARIHUANA, AS PERMITTED
17 BY THIS CHAPTER AND CONSISTENT WITH RULES AND REGULATIONS OF THE AUTHOR-
18 ITY, OBTAINED FROM A VALIDLY LICENSED RETAILER.

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

24 2. (A) NO PERSON HOLDING ANY LICENSE PURSUANT TO THIS ARTICLE TO GROW
25 OR PROCESS MARIHUANA MAY EMPLOY ANY PERSON WHO HAS BEEN CONVICTED OF A
26 CLASS B VIOLENT FELONY OFFENSE, A CLASS C VIOLENT FELONY OFFENSE, A
27 CLASS D VIOLENT FELONY OFFENSE, OR A CLASS E VIOLENT FELONY OFFENSE AS
28 DEFINED BY SECTION 70.02 OF THE PENAL LAW, UNLESS, SUBSEQUENT TO SUCH
29 CONVICTION, THE PERSON HAS RECEIVED: (I) AN EXECUTIVE PARDON THEREFOR
30 REMOVING ANY CIVIL DISABILITIES INCURRED THEREBY; (II) A CERTIFICATE OF
31 RELIEF FROM DISABILITIES OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO
32 ARTICLE TWENTY-THREE OF THE CORRECTION LAW; (III) OTHER RELIEF FROM
33 DISABILITIES PROVIDED BY LAW; OR (IV) THE WRITTEN APPROVAL OF THE LIQUOR
34 AUTHORITY PERMITTING SUCH EMPLOYMENT AS PROVIDED IN PARAGRAPH (B) OF
35 THIS SUBDIVISION.

36 (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-
37 SION, IF THE LIQUOR AUTHORITY ISSUES ITS WRITTEN APPROVAL FOR THE
38 EMPLOYMENT BY A LICENSEE, IN A SPECIFIED CAPACITY, OF A PERSON PREVIOUS-
39 LY CONVICTED OF A FELONY OR ANY OF THE OFFENSES ABOVE ENUMERATED IN
40 PARAGRAPH (A) OF THIS SUBDIVISION, SUCH PERSON, MAY, UNLESS HE OR SHE IS
41 SUBSEQUENTLY CONVICTED OF A FELONY OR ANY OF SUCH OFFENSES, THEREAFTER
42 BE EMPLOYED IN THE SAME CAPACITY BY ANY OTHER LICENSEE WITHOUT THE
43 FURTHER WRITTEN APPROVAL OF THE AUTHORITY UNLESS THE PRIOR APPROVAL
44 GIVEN BY THE AUTHORITY IS TERMINATED.

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

48 S 169. CERTAIN OFFICIALS NOT TO BE INTERESTED IN MANUFACTURE OR SALE
49 OF MARIHUANA. 1. EXCEPT AS OTHERWISE PROVIDED IN SECTION ONE HUNDRED
50 TWENTY-EIGHT-A OF THIS CHAPTER, IT SHALL BE UNLAWFUL FOR ANY POLICE
51 COMMISSIONER, POLICE INSPECTOR, CAPTAIN, SERGEANT, ROUNDSMAN, PATROLMAN
52 OR OTHER POLICE OFFICIAL OR SUBORDINATE OF ANY POLICE DEPARTMENT IN THE
53 STATE, TO BE EITHER DIRECTLY OR INDIRECTLY INTERESTED IN THE MANUFACTURE
54 OR SALE OF MARIHUANA OR TO OFFER FOR SALE, OR RECOMMEND TO ANY LICENSEE
55 ANY MARIHUANA. A PERSON MAY NOT BE DENIED ANY LICENSE GRANTED UNDER THE
56 PROVISIONS OF SECTIONS FIFTY-FOUR, FIFTY-FIVE, FIFTY-NINE, SIXTY-THREE,

1 SIXTY-FOUR, SEVENTY-NINE, EIGHTY-ONE, OR ARTICLE SEVEN OF THIS CHAPTER
2 SOLELY ON THE GROUNDS OF BEING THE SPOUSE OF A PUBLIC SERVANT DESCRIBED
3 IN THIS SUBDIVISION. THE SOLICITATION OR RECOMMENDATION MADE TO ANY
4 LICENSEE, TO PURCHASE ANY MARIHUANA BY ANY POLICE OFFICIAL OR SUBORDI-
5 NATE AS HEREINABOVE DESCRIBED, SHALL BE PRESUMPTIVE EVIDENCE OF THE
6 INTEREST OF SUCH OFFICIAL OR SUBORDINATE IN THE MANUFACTURE OR SALE OF
7 MARIHUANA.

8 2. NO ELECTIVE VILLAGE OFFICER SHALL BE SUBJECT TO THE LIMITATIONS SET
9 FORTH IN SUBDIVISION ONE OF THIS SECTION UNLESS SUCH ELECTIVE VILLAGE
10 OFFICER SHALL BE ASSIGNED DUTIES DIRECTLY RELATING TO THE OPERATION OR
11 MANAGEMENT OF THE POLICE DEPARTMENT.

12 S 170. PROVISIONS GOVERNING INITIAL RULEMAKING. 1. WITHIN TWO HUNDRED
13 FORTY DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE AUTHORITY SHALL
14 PERFORM SUCH ACTS, PRESCRIBE SUCH FORMS AND MAKE SUCH RULES, REGULATIONS
15 AND ORDERS AS IT MAY DEEM NECESSARY OR PROPER TO FULLY EFFECTUATE THE
16 PROVISIONS OF THIS ARTICLE.

17 2. THE AUTHORITY SHALL PROMULGATE NECESSARY RULES AND REGULATIONS
18 GOVERNING THE LICENSING OF MARIHUANA PRODUCERS, MARIHUANA PROCESSORS,
19 MARIHUANA RETAILERS AND MARIHUANA RETAILERS FOR CONSUMPTION ON THE PREM-
20 ISES, INCLUDING:

21 (A) PRESCRIBING FORMS AND ESTABLISHING APPLICATION, REINSTATEMENT, AND
22 RENEWAL FEES;

23 (B) THE QUALIFICATIONS FOR LICENSURE;

24 (C) THE BOOKS AND RECORDS TO BE CREATED AND MAINTAINED BY LICENSEES,
25 THE REPORTS TO BE MADE THEREON TO THE AUTHORITY, AND INSPECTION OF THE
26 BOOKS AND RECORDS;

27 (D) METHODS OF PRODUCING, PROCESSING, AND PACKAGING MARIHUANA, MARI-
28 HUANA-INFUSED PRODUCTS, AND CONCENTRATED CANNABIS; CONDITIONS OF SANITA-
29 TION, AND STANDARDS OF INGREDIENTS, QUALITY, AND IDENTITY OF MARIHUANA
30 PRODUCTS PRODUCED, PROCESSED, PACKAGED, OR SOLD BY LICENSEES; AND

31 (E) SECURITY REQUIREMENTS FOR MARIHUANA RETAILERS AND PREMISES WHERE
32 MARIHUANA PRODUCTS ARE PRODUCED OR PROCESSED, AND SAFETY PROTOCOLS FOR
33 LICENSEES AND THEIR EMPLOYEES.

34 3. THE LIQUOR AUTHORITY SHALL PROMULGATE RULES AND REGULATIONS THAT
35 ARE CALCULATED TO:

36 (A) PREVENT THE DISTRIBUTION OF MARIHUANA TO PERSONS UNDER TWENTY-ONE
37 YEARS OF AGE;

38 (B) PREVENT THE REVENUE FROM THE SALE OF MARIHUANA FROM GOING TO CRIM-
39 INAL ENTERPRISES, GANGS, AND CARTELS;

40 (C) PREVENT THE DIVERSION OF MARIHUANA FROM THIS STATE TO OTHER
41 STATES;

42 (D) PREVENT MARIHUANA ACTIVITY THAT IS LEGAL UNDER STATE LAW FROM
43 BEING USED AS A COVER OR PRETEXT FOR THE TRAFFICKING OF OTHER ILLEGAL
44 DRUGS OR OTHER ILLEGAL ACTIVITY;

45 (E) PREVENT VIOLENCE AND THE USE OF FIREARMS IN THE CULTIVATION AND
46 DISTRIBUTION OF MARIHUANA;

47 (F) PREVENT DRUGGED DRIVING AND THE EXACERBATION OF OTHER ADVERSE
48 PUBLIC HEALTH CONSEQUENCES ASSOCIATED WITH THE USE OF MARIHUANA;

49 (G) PREVENT THE GROWING OF MARIHUANA ON PUBLIC LANDS AND THE ATTENDANT
50 PUBLIC SAFETY AND ENVIRONMENTAL DANGERS POSED BY MARIHUANA PRODUCTION ON
51 PUBLIC LANDS; AND

52 (H) PREVENT THE POSSESSION AND USE OF MARIHUANA ON FEDERAL PROPERTY.

53 4. RULES AND REGULATIONS PROMULGATED BY THE LIQUOR AUTHORITY PURSUANT
54 TO SUBDIVISION THREE OF THIS SECTION SHALL NOT PROHIBIT THE OPERATION OF
55 MARIHUANA ESTABLISHMENTS EITHER EXPRESSLY OR THROUGH REGULATIONS THAT
56 MAKE THEIR OPERATION UNREASONABLY IMPRACTICABLE.

1 5. THE LIQUOR AUTHORITY, IN CONSULTATION WITH THE DEPARTMENT OF AGRI-
2 CULTURE AND MARKETS AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,
3 SHALL PROMULGATE NECESSARY RULES AND REGULATIONS GOVERNING THE SAFE
4 PRODUCTION OF MARIHUANA, INCLUDING RESTRICTIONS ON THE USE OF PESTI-
5 CIDES.

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

13 2. NO PRODUCER SHALL TRANSPORT MARIHUANA PRODUCTS IN ANY VEHICLE OWNED
14 AND OPERATED OR HIRED AND OPERATED BY SUCH PRODUCER, UNLESS THERE SHALL
15 BE ATTACHED TO OR INSCRIBED UPON BOTH SIDES OF SUCH VEHICLE A SIGN,
16 SHOWING THE NAME AND ADDRESS OF THE LICENSEE, TOGETHER WITH THE FOLLOW-
17 ING INSCRIPTION: "NEW YORK STATE MARIHUANA PRODUCER LICENSE NUMBER . . .,"
18 IN UNIFORM LETTERS NOT LESS THAN THREE AND ONE-HALF INCHES IN HEIGHT. IN
19 LIEU OF SUCH SIGN A PRODUCER MAY HAVE IN THE CAB OF SUCH VEHICLE A
20 PHOTOSTATIC COPY OF ITS CURRENT LICENSE ISSUED BY THE AUTHORITY, AND
21 SUCH COPY DULY AUTHENTICATED BY THE AUTHORITY.

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

27 4. EACH PRODUCER SHALL KEEP AND MAINTAIN UPON THE LICENSED PREMISES,
28 ADEQUATE BOOKS AND RECORDS OF ALL TRANSACTIONS INVOLVING THE PRODUCER
29 AND SALE OF HIS OR ITS PRODUCTS, WHICH SHALL INCLUDE ALL INFORMATION
30 REQUIRED BY RULES PROMULGATED BY THE LIQUOR AUTHORITY. EACH SALE SHALL
31 BE RECORDED SEPARATELY ON A NUMBERED INVOICE, WHICH SHALL HAVE PRINTED
32 THEREON THE NUMBER, THE NAME OF THE LICENSEE, THE ADDRESS OF THE
33 LICENSED PREMISES, AND THE CURRENT LICENSE NUMBER. SUCH PRODUCER SHALL
34 DELIVER TO THE PURCHASER A TRUE DUPLICATE INVOICE STATING THE NAME AND
35 ADDRESS OF THE PURCHASER, THE QUANTITY PURCHASED, DESCRIPTION AND THE
36 PRICE OF THE PRODUCT, AND A TRUE, ACCURATE AND COMPLETE STATEMENT OF THE
37 TERMS AND CONDITIONS ON WHICH SUCH SALE IS MADE. SUCH BOOKS, RECORDS AND
38 INVOICES SHALL BE KEPT FOR A PERIOD OF TWO YEARS AND SHALL BE AVAILABLE
39 FOR INSPECTION BY ANY AUTHORIZED REPRESENTATIVE OF THE LIQUOR AUTHORITY.

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

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

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

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

8 4. NO PROCESSOR SHALL TRANSPORT MARIHUANA PRODUCTS IN ANY VEHICLE
 9 OWNED AND OPERATED OR HIRED AND OPERATED BY SUCH PROCESSOR, UNLESS THERE
 10 SHALL BE ATTACHED TO OR INSCRIBED UPON BOTH SIDES OF SUCH VEHICLE A
 11 SIGN, SHOWING THE NAME AND ADDRESS OF THE LICENSEE, TOGETHER WITH THE
 12 FOLLOWING INSCRIPTION: "NEW YORK STATE MARIHUANA PROCESSOR OR MARIHUANA
 13 PROCESSOR LICENSE NUMBER , " AS THE CASE MAY BE, IN
 14 UNIFORM LETTERS NOT LESS THAN THREE AND ONE-HALF INCHES IN HEIGHT. IN
 15 LIEU OF SUCH SIGN, A PROCESSOR MAY HAVE IN THE CAB OF SUCH VEHICLE A
 16 PHOTOSTATIC COPY OF ITS CURRENT LICENSE ISSUED BY THE AUTHORITY, AND
 17 SUCH COPY DULY AUTHENTICATED BY THE AUTHORITY.

18 5. NO PROCESSOR SHALL DELIVER ANY PRODUCTS, EXCEPT IN VEHICLES OWNED
 19 AND OPERATED BY SUCH PROCESSOR, OR HIRED AND OPERATED BY SUCH PROCESSOR
 20 FROM A TRUCKING OR TRANSPORTATION COMPANY REGISTERED WITH THE LIQUOR
 21 AUTHORITY, AND SHALL ONLY MAKE DELIVERIES AT THE LICENSED PREMISES OF
 22 THE PURCHASER.

23 6. EACH PROCESSOR SHALL KEEP AND MAINTAIN UPON THE LICENSED PREMISES,
 24 ADEQUATE BOOKS AND RECORDS OF ALL TRANSACTIONS INVOLVING THE BUSINESS
 25 TRANSACTED BY SUCH PROCESSOR, WHICH SHALL SHOW THE AMOUNT OF MARIHUANA
 26 PRODUCTS, PURCHASED BY SUCH PROCESSOR TOGETHER WITH THE NAMES, LICENSE
 27 NUMBERS AND PLACES OF BUSINESS OF THE PERSONS FROM WHOM THE SAME WAS
 28 PURCHASED AND THE AMOUNT INVOLVED IN SUCH PURCHASES, AS WELL AS THE
 29 AMOUNT OF MARIHUANA PRODUCTS SOLD BY SUCH PROCESSOR TOGETHER WITH THE
 30 NAMES, ADDRESSES, AND LICENSE NUMBERS OF SUCH PURCHASERS. EACH SALE
 31 SHALL BE RECORDED SEPARATELY ON A NUMBERED INVOICE, WHICH SHALL HAVE
 32 PRINTED THEREON THE NUMBER, THE NAME OF THE LICENSEE, THE ADDRESS OF THE
 33 LICENSED PREMISES, AND THE CURRENT LICENSE NUMBER. SUCH PROCESSOR SHALL
 34 DELIVER TO THE PURCHASER A TRUE DUPLICATE INVOICE STATING THE NAME AND
 35 ADDRESS OF THE PURCHASER, QUANTITY PURCHASED, DESCRIPTION AND THE PRICE
 36 OF THE PRODUCT, AND A TRUE, ACCURATE AND COMPLETE STATEMENT OF THE TERMS
 37 AND CONDITIONS ON WHICH SUCH SALE IS MADE. SUCH BOOKS, RECORDS AND
 38 INVOICES SHALL BE KEPT FOR A PERIOD OF TWO YEARS AND SHALL BE AVAILABLE
 39 FOR INSPECTION BY ANY AUTHORIZED REPRESENTATIVE OF THE LIQUOR AUTHORITY.

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

43 S 173. PROVISIONS GOVERNING MARIHUANA RETAILERS. 1. NO RETAIL LICENSE
 44 SHALL BE GRANTED FOR ANY PREMISES, UNLESS THE APPLICANT SHALL BE THE
 45 OWNER THEREOF, OR SHALL BE IN POSSESSION OF SAID PREMISES UNDER A LEASE,
 46 MANAGEMENT AGREEMENT OR OTHER AGREEMENT GIVING THE APPLICANT CONTROL
 47 OVER THE PREMISES, IN WRITING, FOR A TERM NOT LESS THAN THE LICENSE
 48 PERIOD.

49 2. NO PREMISES SHALL BE LICENSED TO SELL MARIHUANA PRODUCTS, UNLESS
 50 SAID PREMISES SHALL BE LOCATED IN A STORE, THE PRINCIPAL ENTRANCE TO
 51 WHICH SHALL BE FROM THE STREET LEVEL AND LOCATED ON A PUBLIC THOROUGH-
 52 FARE IN PREMISES WHICH MAY BE OCCUPIED, OPERATED OR CONDUCTED FOR BUSI-
 53 NESS, TRADE OR INDUSTRY OR ON AN ARCADE OR SUB-SURFACE THOROUGHFARE
 54 LEADING TO A RAILROAD TERMINAL. THERE MAY BE NOT MORE THAN ONE ADDI-
 55 TIONAL ENTRANCE WHICH SHALL BE FROM THE STREET LEVEL AND LOCATED ON AND

1 GIVING ACCESS TO AND FROM A PUBLIC OR PRIVATE PARKING LOT OR PARKING
2 AREA HAVING SPACE FOR NOT LESS THAN FIVE AUTOMOBILES.

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

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

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

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

19 7. EACH PERSON LICENSED AS A MARIHUANA RETAILER SHALL HAVE PAINTED ON
20 THE FRONT WINDOW OF THE LICENSED PREMISES, THE NAME OF THE LICENSEE
21 TOGETHER WITH THE INSCRIPTION, "NEW YORK STATE RETAIL MARIHUANA STORE
22 LICENSE NUMBER," AS THE CASE MAY BE, IN UNIFORM LETTERS NOT
23 LESS THAN THREE AND ONE-HALF INCHES IN HEIGHT.

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

27 9. NO RETAIL LICENSEE SHALL TRANSPORT MARIHUANA PRODUCTS IN ANY VEHI-
28 CLE OWNED AND OPERATED OR HIRED AND OPERATED BY SUCH RETAIL LICENSEE,
29 EXCEPT PRODUCTS TRANSPORTED TO THE HOME OF A PURCHASER NOT TO BE RESOLD
30 BY THE PURCHASER, UNLESS THERE SHALL BE ATTACHED TO OR INSCRIBED UPON
31 BOTH SIDES OF SUCH VEHICLE A SIGN, SHOWING THE NAME AND ADDRESS OF THE
32 LICENSEE TOGETHER WITH THE FOLLOWING INSCRIPTION, "NEW YORK STATE RETAIL
33 MARIHUANA STORE LICENSE NUMBER.," AS THE CASE MAY BE,
34 IN UNIFORM LETTERS NOT LESS THAN THREE AND ONE-HALF INCHES IN HEIGHT,
35 EXCEPT DELIVERIES MAY BE MADE IN PASSENGER TYPE VEHICLES OWNED BY THE
36 LICENSEE AND OPERATED BY THE LICENSEE OR HIS OR HER AGENT, OR HIRED BY
37 THE LICENSEE AND OPERATED BY THE LICENSEE OR HIS OR HER AGENT, PROVIDED
38 THE PERSON MAKING THE DELIVERY SHALL HAVE UPON HIS OR HER PERSON WHILE
39 SO DELIVERING A PHOTOSTATIC COPY OF THE CURRENT LICENSE ISSUED BY THE
40 AUTHORITY. IN LIEU OF SUCH SIGN, A RETAIL LICENSEE MAY HAVE IN THE CAB
41 OF SUCH VEHICLE A PHOTOSTATIC COPY OF ITS CURRENT LICENSE ISSUED BY THE
42 AUTHORITY, AND SUCH COPY DULY AUTHENTICATED BY THE AUTHORITY.

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

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

50 12. NO RETAIL LICENSEE SHALL SELL OR DELIVER ANY MARIHUANA PRODUCTS TO
51 ANY PERSON WITH KNOWLEDGE OF, OR WITH REASONABLE CAUSE TO BELIEVE, THAT
52 THE PERSON TO WHOM SUCH MARIHUANA PRODUCTS, HAS ACQUIRED THE SAME FOR
53 THE PURPOSE OF PEDDLING THEM FROM PLACE TO PLACE, OR OF SELLING OR
54 GIVING THEM AWAY IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER OR IN
55 VIOLATION OF THE RULES AND REGULATIONS OF THE LIQUOR AUTHORITY.

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

5 14. EACH MARIHUANA RETAIL LICENSEE SHALL KEEP AND MAINTAIN UPON THE
6 LICENSED PREMISES, ADEQUATE BOOKS AND RECORDS OF ALL TRANSACTIONS
7 INVOLVING THE BUSINESS TRANSACTED BY SUCH LICENSEE, WHICH SHALL SHOW THE
8 AMOUNT OF MARIHUANA PRODUCTS, PURCHASED BY SUCH LICENSEE TOGETHER WITH
9 THE NAMES, LICENSE NUMBERS AND PLACES OF BUSINESS OF THE PERSONS FROM
10 WHOM THE SAME WERE PURCHASED, AND THE AMOUNT INVOLVED IN SUCH PURCHASES,
11 AS WELL AS THE AMOUNT OF MARIHUANA PRODUCTS, SOLD BY SUCH LICENSEE, AND
12 THE AMOUNT INVOLVED IN EACH SALE. SUCH BOOKS AND RECORDS SHALL BE AVAIL-
13 ABLE FOR INSPECTION BY ANY AUTHORIZED REPRESENTATIVE OF THE LIQUOR
14 AUTHORITY.

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

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

23 17. ALL PREMISES LICENSED UNDER THIS SECTION SHALL BE SUBJECT TO
24 INSPECTION BY ANY PEACE OFFICER DESCRIBED IN SUBDIVISION FOUR OF SECTION
25 2.10 OF THE CRIMINAL PROCEDURE LAW ACTING PURSUANT TO HIS OR HER SPECIAL
26 DUTIES, OR POLICE OFFICER OR ANY DULY AUTHORIZED REPRESENTATIVE OF THE
27 LIQUOR AUTHORITY, DURING THE HOURS WHEN THE SAID PREMISES ARE OPEN FOR
28 THE TRANSACTION OF BUSINESS.

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

44 2. NO MARIHUANA RETAILER LICENSE FOR ON-PREMISES CONSUMPTION SHALL BE
45 GRANTED FOR ANY PREMISES, UNLESS THE APPLICANT SHALL BE THE OWNER THERE-
46 OF, OR SHALL BE IN POSSESSION OF SAID PREMISES UNDER A LEASE, IN WRIT-
47 ING, FOR A TERM NOT LESS THAN THE LICENSE PERIOD EXCEPT, HOWEVER, THAT
48 SUCH LICENSE MAY THEREAFTER BE RENEWED WITHOUT THE REQUIREMENT OF A
49 LEASE AS HEREIN PROVIDED. THIS SUBDIVISION SHALL NOT APPLY TO PREMISES
50 LEASED FROM GOVERNMENT AGENCIES, AS DEFINED UNDER SUBDIVISION TWELVE-C
51 OF SECTION THREE OF THIS CHAPTER; PROVIDED, HOWEVER, THAT THE APPROPRI-
52 ATE ADMINISTRATOR OF SUCH GOVERNMENT AGENCY PROVIDES SOME FORM OF WRIT-
53 TEN DOCUMENTATION REGARDING THE TERMS OF OCCUPANCY UNDER WHICH THE
54 APPLICANT IS LEASING SAID PREMISES FROM THE GOVERNMENT AGENCY FOR PRES-
55 ENTATION TO THE STATE LIQUOR AUTHORITY AT THE TIME OF THE LICENSE APPLI-
56 CATION. SUCH DOCUMENTATION SHALL INCLUDE THE TERMS OF OCCUPANCY BETWEEN

1 THE APPLICANT AND THE GOVERNMENT AGENCY, INCLUDING, BUT NOT LIMITED TO,
2 ANY SHORT-TERM LEASING AGREEMENTS OR WRITTEN OCCUPANCY AGREEMENTS.

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

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

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

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

17 (C) EFFECT OF THE GRANT OF THE LICENSE ON VEHICULAR TRAFFIC AND PARK-
18 ING IN PROXIMITY TO THE LOCATION.

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

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

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

26 5. IF THE AUTHORITY SHALL DISAPPROVE AN APPLICATION FOR A LICENSE OR
27 PERMIT, IT SHALL STATE AND FILE IN ITS OFFICES THE REASONS THEREFOR AND
28 SHALL NOTIFY THE APPLICANT THEREOF. SUCH APPLICANT MAY THEREUPON APPLY
29 TO THE AUTHORITY FOR A REVIEW OF SUCH ACTION IN A MANNER TO BE
30 PRESCRIBED BY THE RULES OF THE AUTHORITY. A HEARING UPON NOTICE TO THE
31 APPLICANT SHALL THEREUPON BE HELD BY THE AUTHORITY OR BY ONE OF ITS
32 MEMBERS AT ITS OFFICE MOST CONVENIENTLY SITUATED TO THE OFFICE OF ITS
33 DULY AUTHORIZED REPRESENTATIVE IN A MANNER TO BE PRESCRIBED IN ITS
34 RULES; AND ON SUCH HEARING PROOF MAY BE TAKEN BY ORAL TESTIMONY OR BY
35 AFFIDAVIT RELATIVE THERETO. AFTER SUCH HEARING, IF THE AUTHORITY
36 CONFIRMS SUCH DISAPPROVAL, IT SHALL ENDORSE SUCH APPLICATION ACCORDINGLY
37 AND SHALL SEND NOTICE TO THE APPLICANT OF ITS ACTION IN SUCH FORM AS THE
38 AUTHORITY MAY PRESCRIBE. IF THE AUTHORITY DOES NOT CONFIRM THE DISAP-
39 PROVAL ACTION IT MAY GRANT SUCH APPLICATION AND ISSUE SUCH LICENSE.

40 6. NO MARIHUANA RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION, EXCEPT
41 PERSONS OR CORPORATIONS OPERATING A HOTEL, AS DEFINED IN SUBDIVISION
42 FOURTEEN OF SECTION THREE OF THIS CHAPTER, FOR EXCLUSIVE USE IN THE
43 FURNISHING OF ROOM SERVICE IN THE MANNER PRESCRIBED BY RULE OR REGU-
44 LATION OF THE STATE LIQUOR AUTHORITY, SHALL KEEP UPON THE LICENSED PREM-
45 ISES ANY MARIHUANA PRODUCTS, EXCEPT THOSE PURCHASED FROM A LICENSED
46 PRODUCER, AND IN CONTAINERS APPROVED BY THE LIQUOR AUTHORITY. SUCH
47 CONTAINERS SHALL HAVE AFFIXED THERETO SUCH LABELS AS MAY BE REQUIRED BY
48 THE RULES OF THE LIQUOR AUTHORITY, TOGETHER WITH ALL NECESSARY EXCISE
49 STAMPS AS REQUIRED BY LAW. NO MARIHUANA RETAIL LICENSEE FOR ON-PREMISES
50 CONSUMPTION SHALL REUSE, REFILL, TAMPER WITH, ADULTERATE, DILUTE OR
51 FORTIFY THE CONTENTS OF ANY CONTAINER OF MARIHUANA PRODUCTS AS RECEIVED
52 FROM THE MANUFACTURER OR WHOLESALER.

53 7. NO MARIHUANA RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION SHALL
54 SELL, DELIVER OR GIVE AWAY, OR CAUSE OR PERMIT OR PROCURE TO BE SOLD,
55 DELIVERED OR GIVEN AWAY ANY MARIHUANA FOR CONSUMPTION ON THE PREMISES

1 WHERE SOLD IN A CONTAINER OR PACKAGE CONTAINING MORE THAN ONE GRAM OF
2 MARIHUANA.

3 8. NO MARIHUANA PRODUCTS SHALL BE SOLD, OFFERED FOR SALE OR GIVEN AWAY
4 UPON ANY PREMISES LICENSED TO SELL MARIHUANA PRODUCTS FOR ON-PREMISES
5 CONSUMPTION, DURING THE FOLLOWING HOURS: (A) SUNDAY, FROM FOUR ANTE
6 MERIDIEM TO TWELVE NOON; OR (B) ON ANY OTHER DAY BETWEEN FOUR ANTE MERI-
7 DIEM AND EIGHT ANTE MERIDIEM. IF APPROVED BY THE AUTHORITY OR RULE
8 HAVING BEEN ADOPTED IN A COUNTY, FURTHER RESTRICTIONS OF HOURS OF SALE
9 FOR MARIHUANA PRODUCTS SHALL BE ENFORCEABLE, SUCH RESTRICTED HOURS SHALL
10 BE THE HOURS, DURING WHICH THE SALE OF MARIHUANA PRODUCTS FOR ON-PREMIS-
11 ES CONSUMPTION SHALL NOT BE PERMITTED WITHIN SUCH COUNTY. NOR SHALL ANY
12 PERSON BE PERMITTED TO CONSUME ANY MARIHUANA PRODUCTS UPON ANY SUCH
13 PREMISES LATER THAN ONE-HALF HOUR AFTER THE START OF THE PROHIBITED
14 HOURS OF SALE PROVIDED FOR IN THIS SECTION.

15 9. NO PERSON LICENSED TO SELL MARIHUANA PRODUCTS FOR ON-PREMISES
16 CONSUMPTION SHALL SUFFER OR PERMIT ANY GAMBLING ON THE LICENSED PREM-
17 ISES, OR SUFFER OR PERMIT SUCH PREMISES TO BECOME DISORDERLY. THE USE OF
18 THE LICENSED PREMISES, OR ANY PART THEREOF, FOR THE SALE OF LOTTERY
19 TICKETS, PLAYING OF BINGO OR GAMES OF CHANCE, OR AS A SIMULCAST FACILITY
20 OR SIMULCAST THEATER PURSUANT TO THE RACING, PARI-MUTUEL WAGERING AND
21 BREEDING LAW, WHEN DULY AUTHORIZED AND LAWFULLY CONDUCTED THEREON, SHALL
22 NOT CONSTITUTE GAMBLING WITHIN THE MEANING OF THIS SUBDIVISION.

23 (A) NO MARIHUANA RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION SHALL
24 SUFFER OR PERMIT ANY PERSON TO APPEAR ON LICENSED PREMISES IN SUCH
25 MANNER OR ATTIRE AS TO EXPOSE TO VIEW ANY PORTION OF THE PUBIC AREA,
26 ANUS, VULVA OR GENITALS, OR ANY SIMULATION THEREOF, NOR SHALL SUFFER OR
27 PERMIT ANY FEMALE TO APPEAR ON LICENSED PREMISES IN SUCH MANNER OR
28 ATTIRE AS TO EXPOSE TO VIEW ANY PORTION OF THE BREAST BELOW THE TOP OF
29 THE AREOLA, OR ANY SIMULATION THEREOF.

30 (B) NO RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION SHALL SUFFER,
31 PERMIT OR PROMOTE AN EVENT ON ITS PREMISES WHEREIN THE CONTESTANTS
32 DELIVER, OR ARE NOT FORBIDDEN BY THE APPLICABLE RULES THEREOF FROM
33 DELIVERING KICKS, PUNCHES OR BLOWS OF ANY KIND TO THE BODY OF AN OPPO-
34 NENT OR OPPONENTS, WHETHER OR NOT THE EVENT CONSISTS OF A PROFESSIONAL
35 MATCH OR EXHIBITION, AND WHETHER OR NOT THE EVENT OR ANY SUCH ACT, OR
36 BOTH, IS DONE FOR COMPENSATION; PROVIDED, HOWEVER, THAT THIS PROHIBITION
37 SHALL NOT BE APPLIED TO ANY PROFESSIONAL MATCH OR EXHIBITION WHICH
38 CONSISTS OF BOXING, SPARRING, WRESTLING, OR MARTIAL ARTS AND WHICH IS
39 EXCEPTED FROM THE DEFINITION OF THE TERM "COMBATIVE SPORT" CONTAINED IN
40 SUBDIVISION ONE OF SECTION FIVE-A OF CHAPTER NINE HUNDRED TWELVE OF THE
41 LAWS OF NINETEEN HUNDRED TWENTY.

42 (C) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A VIOLATION OF
43 THIS SUBDIVISION SHALL CONSTITUTE AN ADEQUATE GROUND FOR INSTITUTING A
44 PROCEEDING TO SUSPEND, CANCEL OR REVOKE THE LICENSE OF THE VIOLATOR IN
45 ACCORDANCE WITH THE APPLICABLE PROCEDURES SPECIFIED IN SECTION ONE
46 HUNDRED NINETEEN OF THIS CHAPTER.

47 10. EXCEPT WHERE A PERMIT TO DO SO IS OBTAINED PURSUANT TO SECTION
48 405.10 OF THE PENAL LAW, NO RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION
49 SHALL SUFFER, PERMIT, OR PROMOTE AN EVENT ON ITS PREMISES WHEREIN ANY
50 PERSON SHALL USE, EXPLODE, OR CAUSE TO EXPLODE, ANY FIREWORKS OR OTHER
51 PYROTECHNICS IN A BUILDING AS DEFINED IN PARAGRAPH E OF SUBDIVISION ONE
52 OF SECTION 405.10 OF THE PENAL LAW, THAT IS COVERED BY SUCH LICENSE OR
53 POSSESS SUCH FIREWORKS OR PYROTECHNICS FOR SUCH PURPOSE. IN ADDITION TO
54 ANY OTHER PENALTY PROVIDED BY LAW, A VIOLATION OF THIS SUBDIVISION SHALL
55 CONSTITUTE AN ADEQUATE GROUND FOR INSTITUTING A PROCEEDING TO SUSPEND,
56 CANCEL, OR REVOKE THE LICENSE OF THE VIOLATOR IN ACCORDANCE WITH THE

1 APPLICABLE PROCEDURES SPECIFIED IN SECTION ONE HUNDRED NINETEEN OF THIS
2 CHAPTER; PROVIDED HOWEVER, IF MORE THAN ONE LICENSEE IS PARTICIPATING IN
3 A SINGLE EVENT, UPON APPROVAL BY THE AUTHORITY, ONLY ONE LICENSEE MUST
4 OBTAIN SUCH PERMIT.

5 11. NO RESTAURANT AND NO PREMISES LICENSED TO SELL MARIHUANA PRODUCTS
6 FOR ON-PREMISES CONSUMPTION UNDER PARAGRAPH (A) OF SUBDIVISION SIX OF
7 SECTION SIXTY-FOUR-A OF THIS CHAPTER SHALL BE PERMITTED TO HAVE ANY
8 OPENING OR MEANS OF ENTRANCE OR PASSAGEWAY FOR PERSONS OR THINGS BETWEEN
9 THE LICENSED PREMISES AND ANY OTHER ROOM OR PLACE IN THE BUILDING
10 CONTAINING THE LICENSED PREMISES, OR ANY ADJOINING OR ABUTTING PREMISES,
11 UNLESS INGRESS AND EGRESS IS RESTRICTED BY AN EMPLOYEE, AGENT OF THE
12 LICENSEE, OR OTHER APPROVED METHOD OF CONTROLLING ACCESS TO THE FACILI-
13 TY, OR UNLESS SUCH PREMISES ARE A BONA FIDE RESTAURANT WITH SUCH ACCESS
14 FOR PATRONS AND GUESTS FROM ANY PART OF SUCH BUILDING OR ADJOINING OR
15 ABUTTING PREMISES AS SHALL SERVE PUBLIC CONVENIENCE IN A REASONABLE AND
16 SUITABLE MANNER; OR UNLESS SUCH LICENSED PREMISES ARE IN A BUILDING
17 OWNED OR OPERATED BY ANY COUNTY, TOWN, CITY, VILLAGE OR PUBLIC AUTHORITY
18 OR AGENCY, IN A PARK OR OTHER SIMILAR PLACE OF PUBLIC ACCOMMODATION. ALL
19 GLASS IN ANY WINDOW OR DOOR ON SAID LICENSED PREMISES SHALL BE CLEAR AND
20 SHALL NOT BE OPAQUE, COLORED, STAINED OR FROSTED.

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

26 13. EACH RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION SHALL KEEP AND
27 MAINTAIN UPON THE LICENSED PREMISES, ADEQUATE RECORDS OF ALL TRANS-
28 ACTIONS INVOLVING THE BUSINESS TRANSACTED BY SUCH LICENSEE WHICH SHALL
29 SHOW THE AMOUNT OF MARIHUANA PRODUCTS, IN AN APPLICABLE METRIC MEASURE-
30 MENT, PURCHASED BY SUCH LICENSEE TOGETHER WITH THE NAMES, LICENSE
31 NUMBERS AND PLACES OF BUSINESS OF THE PERSONS FROM WHOM THE SAME WERE
32 PURCHASED, THE AMOUNT INVOLVED IN SUCH PURCHASES, AS WELL AS THE SALES
33 OF MARIHUANA PRODUCTS MADE BY SUCH LICENSEE. THE LIQUOR AUTHORITY IS
34 HEREBY AUTHORIZED TO PROMULGATE RULES AND REGULATIONS PERMITTING AN
35 ON-PREMISES LICENSEE OPERATING TWO OR MORE PREMISES SEPARATELY LICENSED
36 TO SELL MARIHUANA PRODUCTS FOR ON-PREMISES CONSUMPTION TO INAUGURATE OR
37 RETAIN IN THIS STATE METHODS OR PRACTICES OF CENTRALIZED ACCOUNTING,
38 BOOKKEEPING, CONTROL RECORDS, REPORTING, BILLING, INVOICING OR PAYMENT
39 RESPECTING PURCHASES, SALES OR DELIVERIES OF MARIHUANA PRODUCTS, OR
40 METHODS AND PRACTICES OF CENTRALIZED RECEIPT OR STORAGE OF MARIHUANA
41 PRODUCTS WITHIN THIS STATE WITHOUT SEGREGATION OR EARMARKING FOR ANY
42 SUCH SEPARATELY LICENSED PREMISES, WHEREVER SUCH METHODS AND PRACTICES
43 ASSURE THE AVAILABILITY, AT SUCH LICENSEE'S CENTRAL OR MAIN OFFICE IN
44 THIS STATE, OF DATA REASONABLY NEEDED FOR THE ENFORCEMENT OF THIS CHAP-
45 TER. SUCH RECORDS SHALL BE AVAILABLE FOR INSPECTION BY ANY AUTHORIZED
46 REPRESENTATIVE OF THE LIQUOR AUTHORITY.

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

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

55 16. ALL RETAIL LICENSED PREMISES SHALL BE SUBJECT TO INSPECTION BY ANY
56 PEACE OFFICER, ACTING PURSUANT TO HIS OR HER SPECIAL DUTIES, OR POLICE

1 OFFICER AND BY THE DULY AUTHORIZED REPRESENTATIVES OF THE LIQUOR AUTHOR-
2 ITY, DURING THE HOURS WHEN THE SAID PREMISES ARE OPEN FOR THE TRANS-
3 ACTION OF BUSINESS.

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

7 S 175. ADVERTISING AND FORMS OF THE ISSUANCE OF LICENSES. 1. THE
8 LIQUOR AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGU-
9 LATIONS GOVERNING THE ADVERTISING OF MARIHUANA PRODUCERS, MARIHUANA
10 PROCESSORS, MARIHUANA RETAILERS, AND ANY MARIHUANA RELATED PRODUCTS OR
11 SERVICES.

12 2. THE LIQUOR AUTHORITY SHALL PROMULGATE EXPLICIT RULES PROHIBITING
13 ADVERTISING THAT:

14 (A) IS FALSE, DECEPTIVE, OR MISLEADING;

15 (B) PROMOTES OVERCONSUMPTION;

16 (C) DEPICTS CONSUMPTION BY CHILDREN OR OTHER MINORS;

17 (D) IS DESIGNED IN ANY WAY TO APPEAL TO CHILDREN OR OTHER MINORS;

18 (E) IS WITHIN TWO HUNDRED FEET OF THE PERIMETER OF A SCHOOL GROUNDS,
19 PLAYGROUND, CHILD CARE CENTER, PUBLIC PARK, OR LIBRARY;

20 (F) IS IN PUBLIC TRANSIT VEHICLES AND STATIONS;

21 (G) IS IN THE FORM OF AN UNSOLICITED INTERNET POP-UP; OR

22 (H) IS ON PUBLICLY OWNED OR OPERATED PROPERTY.

23 S 176. PACKAGING OF MARIHUANA PRODUCTS. 1. THE LIQUOR AUTHORITY IS
24 HEREBY AUTHORIZED TO PROMULGATE RULES AND REGULATIONS GOVERNING THE
25 PACKAGING OF MARIHUANA PRODUCTS, SOLD OR POSSESSED FOR SALE IN NEW YORK
26 STATE.

27 2. SUCH REGULATIONS SHALL INCLUDE REQUIRING PACKAGING MEETING REQUIRE-
28 MENTS SIMILAR TO THE FEDERAL "POISON PREVENTION PACKAGING ACT OF 1970,"
29 15 U.S.C. SEC 1471 ET SEQ.

30 3. SUCH REGULATIONS SHALL REQUIRE THAT ALL MARIHUANA INFUSED PRODUCTS
31 SHALL HAVE SEPARATE PACKAGING FOR EACH SERVING.

32 S 177. LABELING OF MARIHUANA PRODUCTS. 1. THE LIQUOR AUTHORITY IS
33 HEREBY AUTHORIZED TO PROMULGATE RULES AND REGULATIONS GOVERNING THE
34 LABELING AND OFFERING OF MARIHUANA PRODUCTS FOR SALE WITHIN THIS STATE.

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

39 3. THE LIQUOR AUTHORITY MAY SEEK THE ASSISTANCE OF THE DEPARTMENT OF
40 HEALTH WHEN NECESSARY BEFORE PROMULGATING RULES AND REGULATIONS UNDER
41 THIS SECTION.

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

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

52 6. SUCH RULES AND REGULATIONS SHALL REQUIRE INFORMATION CONTAINING THE
53 LICENSE NUMBER OF THE MARIHUANA PRODUCER AND PROCESSOR FACILITIES WHERE
54 THE MARIHUANA WAS GROWN AND PROCESSED.

1 7. SUCH RULES AND REGULATIONS SHALL REQUIRE A COMPLETE LIST OF ALL
2 NONORGANIC PESTICIDES, FUNGICIDES, AND HERBICIDES USED DURING THE CULTI-
3 VATION OF THE MARIHUANA.

4 8. SUCH RULES AND REGULATIONS SHALL REQUIRE A CANNABINOID POTENCY
5 PROFILE EXPRESSED AS A RANGE OF PERCENTAGES THAT EXTENDS FROM THE LOWEST
6 PERCENTAGE TO HIGHEST PERCENTAGE OF CONCENTRATION FOR EACH CANNABINOID
7 LISTED FROM EVERY TEST CONDUCTED ON THAT STRAIN OF RETAIL MARIHUANA
8 CULTIVATED BY THE SAME MARIHUANA PRODUCER WITHIN THE LAST THREE MONTHS.

9 9. THE PACKAGING, SALE, OR POSSESSION BY ANY LICENSEE OF ANY MARIHUANA
10 PRODUCT NOT LABELED OR OFFERED IN CONFORMITY WITH RULES AND REGULATIONS
11 PROMULGATED IN ACCORDANCE WITH THIS SECTION SHALL BE GROUNDS FOR THE
12 IMPOSITION OF A FINE, AND/OR THE SUSPENSION, REVOCATION OR CANCELLATION
13 OF THE LICENSE.

14 S 178. RENEWALS OF LICENSES AND PERMITS. 1. EACH LICENSE AND PERMIT,
15 ISSUED PURSUANT TO THIS CHAPTER MAY BE RENEWED UPON APPLICATION THEREFOR
16 BY THE LICENSEE OR PERMITTEE AND THE PAYMENT OF THE ANNUAL FEE FOR SUCH
17 LICENSE OR PERMIT AS PRESCRIBED BY THIS CHAPTER. IN THE CASE OF APPLICA-
18 TIONS FOR RENEWALS, THE LIQUOR AUTHORITY MAY DISPENSE WITH THE REQUIRE-
19 MENTS OF SUCH STATEMENTS AS IT DEEMS UNNECESSARY IN VIEW OF THOSE
20 CONTAINED IN THE APPLICATION MADE FOR THE ORIGINAL LICENSE OR PERMIT,
21 BUT IN ANY EVENT THE SUBMISSION OF PHOTOGRAPHS OF THE LICENSED PREMISES
22 SHALL BE DISPENSED WITH, PROVIDED THE APPLICANT FOR SUCH RENEWAL SHALL
23 FILE A STATEMENT WITH SUCH AUTHORITY TO THE EFFECT THAT THERE HAS BEEN
24 NO ALTERATION OF SUCH PREMISES SINCE THE ORIGINAL LICENSE WAS ISSUED.
25 THE LIQUOR AUTHORITY MAY MAKE SUCH RULES AS MAY BE NECESSARY NOT INCON-
26 SISTENT WITH THIS CHAPTER REGARDING APPLICATIONS FOR RENEWALS OF
27 LICENSES AND PERMITS AND THE TIME FOR MAKING THE SAME.

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

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

34 (A) A STATEMENT OF IDENTITY AS FOLLOWS:

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

39 (II) IF THE APPLICANT IS A CORPORATION, THE CORPORATE NAME OF THE
40 APPLICANT, ITS PLACE OF INCORPORATION, ITS MAIN BUSINESS ADDRESS (AND IF
41 SUCH MAIN BUSINESS ADDRESS IS NOT WITHIN THE STATE, THE ADDRESS OF ITS
42 MAIN PLACE OF BUSINESS WITHIN THE STATE), OTHER NAMES BY WHICH IT HAS
43 BEEN KNOWN OR HAS CONDUCTED BUSINESS AT ANY TIME, ITS TELEPHONE NUMBER,
44 ITS FEDERAL EMPLOYER IDENTIFICATION NUMBER, AND THE NAMES, AGES, CITI-
45 ZENSHIP, AND PERMANENT HOME ADDRESSES OF ITS DIRECTORS, OFFICERS AND ITS
46 SHAREHOLDERS (EXCEPT THAT IF THERE BE MORE THAN TEN SHAREHOLDERS THEN
47 THOSE SHAREHOLDERS HOLDING TEN PERCENT OR MORE OF ANY CLASS OF ITS
48 SHARES).

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

55 (B) A STATEMENT IDENTIFYING THE STREET AND NUMBER OF THE PREMISES TO
56 BE LICENSED, IF THE PREMISES HAS A STREET AND NUMBER, AND OTHERWISE SUCH

1 DESCRIPTION AS WILL REASONABLY INDICATE THE LOCALITY THEREOF; PHOTO-
2 GRAPHS, DRAWINGS OR OTHER ITEMS RELATED TO THE APPEARANCE OF THE INTERI-
3 OR OR EXTERIOR OF SUCH PREMISES, AND A FLOOR PLAN OF THE INTERIOR, SHALL
4 BE REQUIRED. THE APPLICANT SHALL ALSO STATE THE NATURE OF HIS OR HER
5 INTEREST IN THE PREMISES; AND THE NAME OF ANY OTHER PERSON INTERESTED AS
6 A PARTNER, JOINT VENTURER, INVESTOR OR LENDER WITH THE APPLICANT EITHER
7 IN THE PREMISES OR IN THE BUSINESS TO BE LICENSED.

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

13 (D) A STATEMENT THAT SUCH APPLICANT OR THE APPLICANT'S SPOUSE HAS NOT
14 BEEN CONVICTED OF A CRIME ADDRESSED BY THE PROVISIONS OF SECTION ONE
15 HUNDRED EIGHTY-SEVEN OF THIS ARTICLE WHICH WOULD FORBID THE APPLICANT
16 (INCLUDING ANY OFFICERS, DIRECTORS, SHAREHOLDERS OR PARTNERS LISTED IN
17 THE STATEMENT OF IDENTITY UNDER PARAGRAPH (A) OF THIS SUBDIVISION OR THE
18 SPOUSE OF SUCH PERSON) OR THE APPLICANT'S SPOUSE TO TRAFFIC IN MARIHUA-
19 NA, A STATEMENT WHETHER OR NOT THE APPLICANT (INCLUDING ANY OFFICERS,
20 DIRECTORS, SHAREHOLDERS OR PARTNERS LISTED IN THE STATEMENT OF IDENTITY
21 UNDER PARAGRAPH (A) OF THIS SUBDIVISION OR THE SPOUSE OF ANY SUCH
22 PERSON) OR THE APPLICANT'S SPOUSE IS AN OFFICIAL DESCRIBED IN SUBDIVI-
23 SION TWO OF SECTION ONE HUNDRED SIXTY-EIGHT OF THIS ARTICLE, AND A
24 DESCRIPTION OF ANY CRIME THAT THE APPLICANT (INCLUDING ANY OFFICERS,
25 DIRECTORS, SHAREHOLDERS OR PARTNERS LISTED UNDER PARAGRAPH (A) OF THIS
26 SUBDIVISION OR THE SPOUSE OF ANY SUCH PERSON) OR THE APPLICANT'S SPOUSE
27 HAS BEEN CONVICTED OF AND WHETHER SUCH PERSON HAS RECEIVED A PARDON,
28 CERTIFICATE OF GOOD CONDUCT OR CERTIFICATE OF RELIEF FROM DISABILITIES;
29 PROVIDED, HOWEVER, THAT NO PERSON SHALL BE DENIED ANY LICENSE SOLELY ON
30 THE GROUNDS THAT SUCH PERSON IS THE SPOUSE OF A PERSON OTHERWISE
31 DISQUALIFIED FROM HOLDING A LICENSE UNDER THIS CHAPTER.

32 (E) A STATEMENT THAT THE LOCATION AND LAYOUT OF THE PREMISES TO BE
33 LICENSED DOES NOT VIOLATE ANY REQUIREMENT OF THIS CHAPTER RELATING TO
34 LOCATION AND LAYOUT OF LICENSED PREMISES, WITH A COPY OF THE CERTIFICATE
35 OF OCCUPANCY FOR THE PREMISES.

36 (F) A STATEMENT THAT THE APPLICANT HAS CONTROL OF THE PREMISES TO BE
37 LICENSED BY OWNERSHIP OF A FEE INTEREST OR VIA A LEASEHOLD, MANAGEMENT
38 AGREEMENT, OR OTHER AGREEMENT GIVING THE APPLICANT CONTROL OVER THE
39 PREMISES, WITH A TERM AT LEAST AS LONG AS THE LICENSE FOR WHICH THE
40 APPLICATION IS BEING MADE, OR BY A BINDING CONTRACT TO ACQUIRE THE SAME
41 AND A STATEMENT OF IDENTITY UNDER PARAGRAPH (A) OF THIS SUBDIVISION FOR
42 THE LESSOR OF ANY LEASEHOLD, MANAGER OF ANY MANAGEMENT AGREEMENT, OR
43 OTHER AGREEMENT GIVING THE APPLICANT CONTROL OVER THE PREMISES, WITH A
44 COPY OF THE LEASE, CONTRACT, MANAGEMENT AGREEMENT, OR OTHER AGREEMENT
45 GIVING THE APPLICANT CONTROL OVER THE FOOD AND BEVERAGE AT THE PREMISES,
46 OR DEED EVIDENCING FEE OWNERSHIP OF THE PREMISES.

47 (G) A FINANCIAL STATEMENT ADEQUATE TO SHOW ALL PERSONS WHO, DIRECTLY
48 OR INDIRECTLY HAVE AN ECONOMIC INTEREST IN THE ESTABLISHMENT OR ACQUISI-
49 TION OF THE BUSINESS FOR WHICH THE LICENSE OR PERMIT APPLICATION IS
50 BEING MADE, TO IDENTIFY THE SOURCES OF FUNDS TO BE APPLIED IN SUCH
51 ESTABLISHMENT OR ACQUISITION, AND TO DESCRIBE THE TERMS AND CONDITIONS
52 GOVERNING SUCH ESTABLISHMENT WITH COPIES OF SUCH FINANCIAL DOCUMENTS AS
53 THE AUTHORITY MAY REASONABLY REQUIRE.

54 (H) THE FINGERPRINTS OF THE APPLICANTS. FINGERPRINTS SUBMITTED BY THE
55 APPLICANTS SHALL BE TRANSMITTED TO THE DIVISION OF CRIMINAL JUSTICE

1 SERVICES AND MAY BE SUBMITTED TO THE FEDERAL BUREAU OF INVESTIGATION FOR
2 STATE AND NATIONAL CRIMINAL HISTORY RECORD CHECKS.

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

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

10 4. IF THERE BE ANY CHANGE, AFTER THE FILING OF THE APPLICATION OR THE
11 GRANTING OF A LICENSE, IN ANY OF THE FACTS REQUIRED TO BE SET FORTH IN
12 SUCH APPLICATION, A SUPPLEMENTAL STATEMENT GIVING NOTICE OF SUCH CHANGE,
13 COST AND SOURCE OF MONEY INVOLVED IN THE CHANGE, DULY VERIFIED, SHALL BE
14 FILED WITH THE AUTHORITY WITHIN TEN DAYS AFTER SUCH CHANGE. FAILURE TO
15 DO SO SHALL, IF WILLFUL AND DELIBERATE, BE CAUSE FOR REVOCATION OF THE
16 LICENSE.

17 5. IN GIVING ANY NOTICE, OR TAKING ANY ACTION IN REFERENCE TO A LICEN-
18 SEE OF A LICENSED PREMISES, THE AUTHORITY MAY RELY UPON THE INFORMATION
19 FURNISHED IN SUCH APPLICATION AND IN ANY SUPPLEMENTAL STATEMENT
20 CONNECTED THEREWITH, AND SUCH INFORMATION MAY BE PRESUMED TO BE CORRECT,
21 AND SHALL BE BINDING UPON A LICENSEE OR LICENSED PREMISES AS IF CORRECT.
22 ALL INFORMATION REQUIRED TO BE FURNISHED IN SUCH APPLICATION OR SUPPLE-
23 MENTAL STATEMENTS SHALL BE DEEMED MATERIAL IN ANY PROSECUTION FOR PERJU-
24 RY, ANY PROCEEDING TO REVOKE, CANCEL OR SUSPEND ANY LICENSE, AND IN THE
25 AUTHORITY'S DETERMINATION TO APPROVE OR DENY THE LICENSE.

26 6. THE AUTHORITY MAY IN ITS DISCRETION WAIVE THE SUBMISSION OF ANY
27 CATEGORY OF INFORMATION DESCRIBED IN THIS SECTION FOR ANY CATEGORY OF
28 LICENSE OR PERMIT, PROVIDED THAT IT SHALL NOT BE PERMITTED TO WAIVE THE
29 REQUIREMENT FOR SUBMISSION OF ANY SUCH CATEGORY OF INFORMATION SOLELY
30 FOR AN INDIVIDUAL APPLICANT OR APPLICANTS.

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

- 35 (A) FOR A MARIHUANA PRODUCER;
36 (B) FOR A MARIHUANA PROCESSOR LICENSE;
37 (C) FOR A MARIHUANA RETAILER LICENSE; AND/OR
38 (D) FOR A MARIHUANA RETAILER LICENSE FOR ON-PREMISES CONSUMPTION.

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

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

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

48 3. FOR PURPOSES OF THIS SECTION, "SUBSTANTIAL CORPORATE CHANGE" SHALL
49 MEAN:

50 (A) FOR A CORPORATION, A CHANGE OF EIGHTY PERCENT OR MORE OF THE OFFI-
51 CERS AND/OR DIRECTORS, OR A TRANSFER OF EIGHTY PERCENT OR MORE OF STOCK
52 OF SUCH CORPORATION, OR AN EXISTING STOCKHOLDER OBTAINING EIGHTY PERCENT
53 OR MORE OF THE STOCK OF SUCH CORPORATION; AND

54 (B) FOR A LIMITED LIABILITY COMPANY, A CHANGE OF EIGHTY PERCENT OR
55 MORE OF THE MANAGING MEMBERS OF THE COMPANY, OR A TRANSFER OF EIGHTY
56 PERCENT OR MORE OF OWNERSHIP INTEREST IN SAID COMPANY, OR AN EXISTING

1 MEMBER OBTAINING A CUMULATIVE OF EIGHTY PERCENT OR MORE OF THE OWNERSHIP
2 INTEREST IN SAID COMPANY.

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

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

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

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

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

17 (B) THE FULL NAME OF THE APPLICANT;

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

20 (D) THE MAILING ADDRESS OF THE ESTABLISHMENT, IF DIFFERENT THAN THE
21 STREET ADDRESS;

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

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

25 (I) A NEW ESTABLISHMENT;

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

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

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

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

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

34 (I) THE TYPE OF LICENSE.

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

38 2. NO LICENSE SHALL BE TRANSFERABLE OR ASSIGNABLE EXCEPT THAT NOTWITH-
39 STANDING ANY OTHER PROVISION OF LAW, THE LICENSE OF A SOLE PROPRIETOR
40 CONVERTING TO CORPORATE FORM, WHERE SUCH PROPRIETOR BECOMES THE SOLE
41 STOCKHOLDER AND ONLY OFFICER AND DIRECTOR OF SUCH NEW CORPORATION, MAY
42 BE TRANSFERRED TO THE SUBJECT CORPORATION IF ALL REQUIREMENTS OF THIS
43 CHAPTER REMAIN THE SAME WITH RESPECT TO SUCH LICENSE AS TRANSFERRED AND,
44 FURTHER, THE LICENSEE SHALL TRANSMIT TO THE AUTHORITY, WITHIN TEN DAYS
45 OF THE TRANSFER OF LICENSE ALLOWABLE UNDER THIS SUBDIVISION, ON A FORM
46 PRESCRIBED BY THE AUTHORITY, NOTIFICATION OF THE TRANSFER OF SUCH
47 LICENSE.

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

51 4. LICENSES ISSUED UNDER THIS ARTICLE SHALL CONTAIN, IN ADDITION TO
52 ANY FURTHER INFORMATION OR MATERIAL TO BE PRESCRIBED BY THE RULES OF THE
53 LIQUOR AUTHORITY, THE FOLLOWING INFORMATION: (A) NAME OF PERSON TO WHOM
54 LICENSE IS ISSUED; (B) KIND OF LICENSE AND WHAT KIND OF TRAFFIC IN MARI-
55 HUANA IS THEREBY PERMITTED; (C) DESCRIPTION BY STREET AND NUMBER, OR
56 OTHERWISE, OF LICENSED PREMISES; AND (D) A STATEMENT IN SUBSTANCE THAT

1 SUCH LICENSE SHALL NOT BE DEEMED A PROPERTY OR VESTED RIGHT, AND THAT IT
2 MAY BE REVOKED AT ANY TIME PURSUANT TO LAW.

3 5. THERE SHALL BE PRINTED AND FURNISHED BY THE LIQUOR AUTHORITY TO
4 EACH LICENSEE A STATEMENT OF THE CAUSES FOR WHICH LICENSES MAY BE
5 REVOKED. SUCH STATEMENT SHALL BE PREPARED BY THE LIQUOR AUTHORITY AND
6 DELIVERED TO THE LICENSEE WITH HIS OR HER LICENSE OR AS SOON THEREAFTER
7 AS MAY BE PRACTICABLE. ANY AMENDMENTS THERETO SHALL ALSO BE SENT BY THE
8 LIQUOR AUTHORITY TO ALL LICENSEES AS SOON AS MAY BE PRACTICABLE AFTER
9 SUCH AMENDMENTS. FAILURE TO SEND SUCH STATEMENTS OR CHANGES THEREIN, OR
10 FAILURE TO RECEIVE THE SAME, OR ANY MISSTATEMENT OR ERROR CONTAINED IN
11 SUCH STATEMENTS OR AMENDMENTS SHALL, HOWEVER, NOT BE AN EXCUSE OR JUSTI-
12 FICATION FOR ANY VIOLATION OF LAW, OR PREVENT, OR REMIT, OR DECREASE ANY
13 PENALTY OR FORFEITURE THEREFOR.

14 6. BEFORE COMMENCING OR DOING ANY BUSINESS FOR THE TIME FOR WHICH A
15 LICENSE HAS BEEN ISSUED SAID LICENSE SHALL BE ENCLOSED IN A SUITABLE
16 WOOD OR METAL FRAME HAVING A CLEAR GLASS SPACE AND A SUBSTANTIAL WOOD OR
17 METAL BACK SO THAT THE WHOLE OF SAID LICENSE MAY BE SEEN THEREIN, AND
18 SHALL BE POSTED UP AND AT ALL TIMES DISPLAYED IN A CONSPICUOUS PLACE IN
19 THE ROOM WHERE SUCH BUSINESS IS CARRIED ON, SO THAT ALL PERSONS VISITING
20 SUCH PLACE MAY READILY SEE THE SAME. IT SHALL BE UNLAWFUL FOR ANY PERSON
21 HOLDING A LICENSE TO POST SUCH LICENSE OR TO PERMIT SUCH LICENSE TO BE
22 POSTED UPON PREMISES OTHER THAN THE PREMISES LICENSED, OR UPON PREMISES
23 WHERE TRAFFIC IN MARIHUANA IS BEING CARRIED ON BY ANY PERSON OTHER THAN
24 THE LICENSEE, OR KNOWINGLY TO DEFACE, DESTROY OR ALTER ANY SUCH LICENSE
25 IN ANY RESPECT. WHENEVER A LICENSE SHALL BE LOST OR DESTROYED WITHOUT
26 FAULT ON THE PART OF THE LICENSEE OR HIS OR HER AGENTS OR EMPLOYEES, A
27 DUPLICATE LICENSE IN LIEU THEREOF MAY BE ISSUED BY THE LIQUOR AUTHORITY
28 IN ITS DISCRETION AND IN ACCORDANCE WITH SUCH RULES AND REGULATIONS AND
29 THE PAYMENT OF SUCH FEES, NOT EXCEEDING FIVE DOLLARS, AS IT MAY
30 PRESCRIBE.

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

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

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

38 2. NOTWITHSTANDING THE ISSUANCE OF A LICENSE OR PERMIT BY WAY OF
39 RENEWAL, THE LIQUOR AUTHORITY MAY REVOKE, CANCEL OR SUSPEND SUCH LICENSE
40 OR PERMIT AND/OR MAY IMPOSE A CIVIL PENALTY AGAINST ANY HOLDER OF SUCH
41 LICENSE OR PERMIT, AS PRESCRIBED BY THIS SECTION AND SECTION ONE HUNDRED
42 NINETEEN OF THIS CHAPTER, FOR CAUSES OR VIOLATIONS OCCURRING DURING THE
43 LICENSE PERIOD IMMEDIATELY PRECEDING THE ISSUANCE OF SUCH LICENSE OR
44 PERMIT, AND MAY RECOVER, AS PROVIDED IN SECTION ONE HUNDRED TWELVE OF
45 THIS CHAPTER, THE PENAL SUM OF THE BOND ON FILE DURING SAID PERIOD.

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

52 4. THE EXISTENCE OF A SUSTAINED AND CONTINUING PATTERN OF NOISE,
53 DISTURBANCE, MISCONDUCT, OR DISORDER ON OR ABOUT THE LICENSED PREMISES,
54 RELATED TO THE OPERATION OF THE PREMISES OR THE CONDUCT OF ITS PATRONS,
55 WILL BE PRESUMED UPON THE SIXTH INCIDENT REPORTED TO THE AUTHORITY BY A
56 LAW ENFORCEMENT AGENCY OF NOISE OR DISTURBANCE OR MISCONDUCT OR DISORDER

1 ON OR ABOUT THE LICENSED PREMISES OR RELATED TO THE OPERATION OF THE
2 PREMISES OR THE CONDUCT OF ITS PATRONS, IN ANY SIXTY DAY PERIOD, ABSENT
3 CLEAR AND CONVINCING EVIDENCE OF EITHER FRAUDULENT INTENT ON THE PART OF
4 ANY COMPLAINANT OR A FACTUAL ERROR WITH RESPECT TO THE CONTENT OF ANY
5 REPORT CONCERNING SUCH COMPLAINT RELIED UPON BY THE AUTHORITY.

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

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

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

20 4. (A) THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY IN ALL CASES OF
21 LICENSEE OR PERMITTEE FAILURE AFTER RECEIVING APPROPRIATE NOTICE, TO
22 COMPLY WITH A SUMMONS, SUBPOENA OR WARRANT RELATING TO A PATERNITY OR
23 CHILD SUPPORT PROCEEDING AND ARREARS IN PAYMENT OF CHILD SUPPORT OR
24 COMBINED CHILD AND SPOUSAL SUPPORT REFERRED TO THE AUTHORITY BY A COURT
25 PURSUANT TO THE REQUIREMENTS OF SECTION TWO HUNDRED FORTY-FOUR-C OF THE
26 DOMESTIC RELATIONS LAW OR PURSUANT TO SECTION FOUR HUNDRED FIFTY-EIGHT-B
27 OR FIVE HUNDRED FORTY-EIGHT-B OF THE FAMILY COURT ACT.

28 (B) UPON RECEIPT OF AN ORDER FROM THE COURT BASED ON ARREARS IN
29 PAYMENT OF CHILD SUPPORT OR COMBINED CHILD AND SPOUSAL SUPPORT PURSUANT
30 TO ONE OF THE FOREGOING PROVISIONS OF LAW, THE AUTHORITY, IF IT FINDS
31 SUCH PERSON TO HAVE BEEN ISSUED A LICENSE OR PERMIT, SHALL WITHIN THIRTY
32 DAYS OF RECEIPT OF SUCH ORDER FROM THE COURT, PROVIDE NOTICE TO THE
33 LICENSEE OR PERMITTEE OF, AND INITIATE, A HEARING WHICH SHALL BE HELD AT
34 LEAST TWENTY DAYS AND NO MORE THAN THIRTY DAYS AFTER THE SENDING OF SUCH
35 NOTICE TO THE LICENSEE OR PERMITTEE. THE HEARING SHALL BE SOLELY HELD
36 FOR THE PURPOSE OF DETERMINING WHETHER THERE EXISTS AS OF THE DATE OF
37 THE HEARING PROOF THAT FULL PAYMENT OF ALL ARREARS OF SUPPORT ESTAB-
38 LISHED BY THE ORDER OF THE COURT TO BE DUE FROM THE LICENSEE OR PERMIT-
39 TEE HAVE BEEN PAID. PROOF OF SUCH PAYMENT SHALL BE A CERTIFIED CHECK
40 SHOWING FULL PAYMENT OF ESTABLISHED ARREARS OR A NOTICE ISSUED BY THE
41 COURT OR THE SUPPORT COLLECTION UNIT, WHERE THE ORDER IS PAYABLE TO THE
42 SUPPORT COLLECTION UNIT DESIGNATED BY THE APPROPRIATE SOCIAL SERVICES
43 DISTRICT. SUCH NOTICE SHALL STATE THAT FULL PAYMENT OF ALL ARREARS OF
44 SUPPORT ESTABLISHED BY THE ORDER OF THE COURT TO BE DUE HAVE BEEN PAID.
45 THE LICENSEE OR PERMITTEE SHALL BE GIVEN FULL OPPORTUNITY TO PRESENT
46 SUCH PROOF OF PAYMENT AT THE HEARING IN PERSON OR BY COUNSEL. THE ONLY
47 ISSUE TO BE DETERMINED BY THE AUTHORITY AS A RESULT OF THE HEARING IS
48 WHETHER THE ARREARS HAVE BEEN PAID. NO EVIDENCE WITH RESPECT TO THE
49 APPROPRIATENESS OF THE COURT ORDER OR ABILITY OF THE RESPONDENT PARTY IN
50 ARREARS TO COMPLY WITH SUCH ORDER SHALL BE RECEIVED OR CONSIDERED BY THE
51 AUTHORITY.

52 (C) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE OR OF
53 ANY OTHER PROVISION OF LAW TO THE CONTRARY, SUCH LICENSE OR PERMIT SHALL
54 BE SUSPENDED IF AT THE HEARING, PROVIDED FOR BY PARAGRAPH (B) OF THIS
55 SUBDIVISION, THE LICENSEE OR PERMITTEE FAILS TO PRESENT PROOF OF PAYMENT
56 AS REQUIRED BY SUCH SUBDIVISION. SUCH SUSPENSION SHALL NOT BE LIFTED

1 UNLESS THE COURT OR THE SUPPORT COLLECTION UNIT, WHERE THE COURT ORDER
2 IS PAYABLE TO THE SUPPORT COLLECTION UNIT DESIGNATED BY THE APPROPRIATE
3 SOCIAL SERVICES DISTRICT, ISSUES NOTICE TO THE AUTHORITY THAT FULL
4 PAYMENT OF ALL ARREARS OF SUPPORT ESTABLISHED BY THE ORDER OF THE COURT
5 TO BE DUE HAVE BEEN PAID.

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

13 (E) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE OR OF
14 ANY OTHER PROVISION OF LAW TO THE CONTRARY, SUCH LICENSE OR PERMIT SHALL
15 BE SUSPENDED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (C) OF THIS
16 SUBDIVISION UNLESS THE COURT TERMINATES ITS ORDER TO COMMENCE SUSPENSION
17 PROCEEDINGS. SUCH SUSPENSION SHALL NOT BE LIFTED UNLESS THE COURT ISSUES
18 AN ORDER TO THE AUTHORITY TERMINATING ITS ORDER TO COMMENCE SUSPENSION
19 PROCEEDINGS.

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

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

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

32 5. WHERE A LICENSEE IS CONVICTED OF TWO OR MORE QUALIFYING OFFENSES
33 WITHIN A FIVE YEAR PERIOD, THE AUTHORITY, UPON RECEIPT OF NOTIFICATION
34 OF SUCH SECOND OR SUBSEQUENT CONVICTION PURSUANT TO THE PROVISIONS OF
35 SUBDIVISION TWO OF SECTION ONE HUNDRED SIX-A OF THIS CHAPTER, SHALL, IN
36 ADDITION TO ANY OTHER SANCTION OR CIVIL OR CRIMINAL PENALTY IMPOSED
37 PURSUANT TO THIS CHAPTER, IMPOSE ON SUCH LICENSEE A CIVIL PENALTY NOT TO
38 EXCEED FIVE HUNDRED DOLLARS. FOR PURPOSES OF THIS SUBDIVISION, A QUALI-
39 FYING OFFENSE SHALL MEAN: (A) THE OFFENSE DEFINED IN SUBDIVISION ONE OF
40 SECTION SIXTY-FIVE OF THIS CHAPTER; OR (B) THE OFFENSE DEFINED IN PARA-
41 GRAPH (B) OF SUBDIVISION ONE OF SECTION SIXTY-FIVE-B OF THIS CHAPTER.
42 FOR PURPOSES OF THIS SUBDIVISION, A CONVICTION OF A LICENSEE OR AN
43 EMPLOYEE OR AGENT OF SUCH LICENSEE SHALL CONSTITUTE A CONVICTION OF SUCH
44 LICENSEE.

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

49 S 185. MINORITY AND WOMEN BUSINESS ENTERPRISES. THE LIQUOR AUTHORITY
50 SHALL:

51 1. ACTIVELY PROMOTE RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY WHEN
52 LICENSING MARIHUANA GROWERS, PROCESSORS, AND RETAILERS;

53 2. ENCOURAGE APPLICANTS WHO QUALIFY AS A MINORITY AND/OR WOMEN BUSI-
54 NESS ENTERPRISE, AS DEFINED IN SECTION THREE HUNDRED TEN OF THE EXECU-
55 TIVE LAW, TO APPLY FOR LICENSES; AND

1 3. IN ACCORDANCE WITH THE OFFICIAL COMPILATION OF CODES, RULES AND
2 REGULATIONS OF THE STATE OF NEW YORK TITLE 5, DEPARTMENT OF ECONOMIC
3 DEVELOPMENT, CHAPTER XIV, DIVISION OF MINORITY AND WOMEN'S BUSINESS
4 DEVELOPMENT, PART 141, SUBMIT AN ANNUAL MASTER GOAL PLAN TO PROMOTE THE
5 INCLUSION OF: (A) MINORITY-OWNED BUSINESS ENTERPRISES; (B) WOMEN-OWNED
6 BUSINESS ENTERPRISES; AND (C) MINORITY- AND WOMEN-OWNED BUSINESS ENTER-
7 PRISES WITH JUSTIFICATIONS FOR SUCH GOALS.

8 S 186. DISPOSITION OF MONEYS RECEIVED FOR LICENSE FEES. THE MONEYS
9 RECEIVED FOR LICENSE FEES FOR MARIHUANA PRODUCER LICENSES, MARIHUANA
10 PROCESSOR LICENSES, AND MARIHUANA RETAILER LICENSES PROVIDED FOR IN THIS
11 CHAPTER SHALL BE TURNED OVER BY THE LIQUOR AUTHORITY TO THE STATE COMP-
12 TROLLER. IT SHALL BE PLACED BY THE STATE COMPTROLLER IN THE FUND DERIVED
13 FROM THE PROCEEDS OF THE TAXES ON MARIHUANA PROVIDED FOR IN ARTICLE
14 EIGHTEEN-A OF THE TAX LAW AND BECOME A PART THEREOF AND BE SUBJECT TO
15 ALL OF THE PROVISIONS OF LAW RELATING TO SUCH FUND.

16 S 187. PERSONS FORBIDDEN TO TRAFFIC IN MARIHUANA. THE FOLLOWING
17 PERSONS ARE FORBIDDEN TO TRAFFIC IN MARIHUANA:

18 1. EXCEPT AS PROVIDED IN SUBDIVISION ONE-A OF THIS SECTION, A PERSON
19 WHO HAS BEEN CONVICTED OF A CLASS B VIOLENT FELONY OFFENSE, A CLASS C
20 VIOLENT FELONY OFFENSE, A CLASS D VIOLENT FELONY OFFENSE, OR A CLASS E
21 VIOLENT FELONY OFFENSE AS DEFINED BY SECTION 70.02 OF THE PENAL LAW,
22 UNLESS SUBSEQUENT TO SUCH CONVICTION SUCH PERSON SHALL HAVE RECEIVED AN
23 EXECUTIVE PARDON THEREFOR REMOVING THIS DISABILITY, A CERTIFICATE OF
24 GOOD CONDUCT GRANTED BY THE DEPARTMENT OF CORRECTIONS AND COMMUNITY
25 SUPERVISION, OR A CERTIFICATE OF RELIEF FROM DISABILITIES GRANTED BY THE
26 DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION OR A COURT OF THIS
27 STATE PURSUANT TO THE PROVISIONS OF ARTICLE TWENTY-THREE OF THE
28 CORRECTION LAW TO REMOVE THE DISABILITY UNDER THIS SECTION BECAUSE OF
29 SUCH CONVICTION.

30 1-A. NOTWITHSTANDING THE PROVISION OF SUBDIVISION ONE OF THIS SECTION,
31 A CORPORATION HOLDING A LICENSE TO TRAFFIC IN MARIHUANA SHALL NOT, UPON
32 CONVICTION OF A FELONY OR ANY OF THE MISDEMEANORS OR OFFENSES DESCRIBED
33 IN SUBDIVISION ONE OF THIS SECTION, BE AUTOMATICALLY FORBIDDEN TO TRAF-
34 FIC IN MARIHUANA, BUT THE APPLICATION FOR A LICENSE BY SUCH A CORPO-
35 RATION SHALL BE SUBJECT TO DENIAL, AND THE LICENSE OF SUCH A CORPORATION
36 SHALL BE SUBJECT TO REVOCATION OR SUSPENSION BY THE AUTHORITY PURSUANT
37 TO SECTION ONE HUNDRED EIGHTEEN OF THIS CHAPTER, CONSISTENT WITH THE
38 PROVISIONS OF ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW. FOR ANY
39 FELONY CONVICTION BY A COURT OTHER THAN A COURT OF THIS STATE, THE
40 AUTHORITY MAY REQUEST THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPER-
41 VISION TO INVESTIGATE AND REVIEW THE FACTS AND CIRCUMSTANCES CONCERNING
42 SUCH A CONVICTION, AND SUCH DEPARTMENT SHALL, IF SO REQUESTED, SUBMIT
43 ITS FINDINGS TO THE AUTHORITY AS TO WHETHER THE CORPORATION HAS
44 CONDUCTED ITSELF IN A MANNER SUCH THAT DISCRETIONARY REVIEW BY THE
45 AUTHORITY WOULD NOT BE INCONSISTENT WITH THE PUBLIC INTEREST. THE
46 DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION MAY CHARGE THE
47 LICENSEE OR APPLICANT A FEE EQUIVALENT TO THE EXPENSES OF AN APPROPRIATE
48 INVESTIGATION UNDER THIS SUBDIVISION. FOR ANY CONVICTION RENDERED BY A
49 COURT OF THIS STATE, THE AUTHORITY MAY REQUEST THE CORPORATION, IF THE
50 CORPORATION IS ELIGIBLE FOR A CERTIFICATE OF RELIEF FROM DISABILITIES,
51 TO SEEK SUCH A CERTIFICATE FROM THE COURT WHICH RENDERED THE CONVICTION
52 AND TO SUBMIT SUCH A CERTIFICATE AS PART OF THE AUTHORITY'S DISCRETION-
53 ARY REVIEW PROCESS.

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

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

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

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

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

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

41 S 188. SURRENDER OF LICENSE; NOTICE TO POLICE OFFICIALS. WITHIN THREE
42 DAYS AFTER A LICENSE SHALL HAVE BEEN REVOKED PURSUANT TO THIS CHAPTER,
43 NOTICE THEREOF SHALL BE GIVEN TO THE LICENSEE BY MAILING SUCH NOTICE
44 ADDRESSED TO HIM AT THE PREMISES LICENSED. NOTICE SHALL ALSO BE MAILED
45 TO THE OWNER OF THE PREMISES LICENSED. THE HOLDER OF SUCH LICENSE SHALL
46 THEREUPON SURRENDER SAME TO THE LIQUOR AUTHORITY. THE MAILING THEREOF BY
47 THE LICENSEE TO THE LIQUOR AUTHORITY BY REGISTERED MAIL OR INSURED
48 PARCEL POST SHALL BE DEEMED SUFFICIENT COMPLIANCE WITH THIS SECTION. THE
49 LIQUOR AUTHORITY, IMMEDIATELY UPON GIVING NOTICE OF REVOCATION, SHALL
50 SERVE A WRITTEN NOTICE THEREOF UPON THE COMMISSIONER OF POLICE, CHIEF OF
51 POLICE OR CHIEF POLICE OFFICER OF THE CITY, OR VILLAGE IN WHICH THE
52 PREMISES FOR WHICH THE REVOKED LICENSE WAS ISSUED IS SITUATED, OR UPON
53 THE SHERIFF OF THE COUNTY OR A CONSTABLE OF THE TOWN IN CASE THE LICENSE
54 WAS ISSUED FOR PREMISES SITUATED IN A TOWN AND NOT WITHIN ANY CITY OR
55 VILLAGE. SUCH NOTICE SHALL INCLUDE A STATEMENT OF THE NUMBER OF SUCH
56 LICENSE, THE NAME AND PLACE OF RESIDENCE OF THE HOLDER THEREOF, THE

1 LOCATION OF THE LICENSED PREMISES, AND THE DATE WHEN SUCH LICENSE WAS
2 REVOKED. IN CASE SUCH LICENSE BE NOT FORTHWITH SURRENDERED, THE LIQUOR
3 AUTHORITY SHALL ISSUE A WRITTEN DEMAND FOR THE SURRENDER OF SUCH LICENSE
4 AND DELIVER SAID DEMAND TO THE SHERIFF OF THE COUNTY IN WHICH THE
5 LICENSED PREMISES ARE LOCATED, OR TO ANY REPRESENTATIVE OF THE LIQUOR
6 AUTHORITY, AND SAID SHERIFF OR REPRESENTATIVE SHALL IMMEDIATELY TAKE
7 POSSESSION OF SUCH LICENSE AND RETURN THE SAME TO THE LIQUOR AUTHORITY.

8 S 189. AUTHORITY TO PROMULGATE RULES AND REGULATIONS. THE LIQUOR
9 AUTHORITY SHALL PROMULGATE AND IMPLEMENT ALL RULES AND REGULATIONS AS IT
10 DEEMS NECESSARY TO CARRY OUT THE PURPOSE AND INTENT OF THIS ARTICLE.

11 S 190. PROTECTIONS FOR THE USE OF MARIHUANA. INDIVIDUALS AND LICENSED
12 ENTITIES SHALL NOT BE SUBJECT TO ARREST, PROSECUTION, OR PENALTY IN ANY
13 MANNER, OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING BUT NOT LIMITED TO
14 CIVIL LIABILITY OR DISCIPLINARY ACTION BY A BUSINESS OR OCCUPATIONAL OR
15 PROFESSIONAL LICENSING BOARD OR BUREAU, SOLELY FOR CONDUCT PERMITTED
16 UNDER THIS CHAPTER. FOR THE AVOIDANCE OF DOUBT, THE APPELLATE DIVISION
17 OF THE SUPREME COURT OF THE STATE OF NEW YORK, AND ANY DISCIPLINARY OR
18 CHARACTER AND FITNESS COMMITTEES ESTABLISHED BY THEM ARE OCCUPATIONAL
19 AND PROFESSIONAL LICENSING BOARDS WITHIN THE MEANING OF THIS SECTION.
20 STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL NOT COOPERATE WITH OR
21 PROVIDE ASSISTANCE TO THE GOVERNMENT OF THE UNITED STATES OR ANY AGENCY
22 THEREOF IN ENFORCING THE CONTROLLED SUBSTANCE ACT, 21, U.S.C. S8012 ET
23 SEQ., SOLELY FOR ACTIONS CONSISTENT WITH THIS CHAPTER, EXCEPT AS PURSU-
24 ANT TO A VALID COURT ORDER.

25 S 191. CIVIL PROTECTIONS FOR THE USE OF MARIHUANA. THE PRESENCE,
26 DETECTED OR ESTABLISHED BY ANY MEANS OF CANNABINOIDS, CANNABINOID META-
27 BOLITES OR OTHER CHEMICALS FOUND IN MARIHUANA IN THE BODY, FLUIDS,
28 TISSUES OR OTHER BODY PARTS OF A PERSON ENGAGED IN CONDUCT PERMITTED
29 UNDER THIS CHAPTER BY:

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

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

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

44 S 192. PROFESSIONAL AND MEDICAL RECORD KEEPING. ANY PROFESSIONAL
45 PROVIDING SERVICES IN CONNECTION WITH A LICENSED OR POTENTIALLY LICENSED
46 BUSINESS UNDER THIS CHAPTER, OR IN CONNECTION WITH OTHER CONDUCT PERMIT-
47 TED UNDER THIS CHAPTER, AND ANY MEDICAL PROFESSIONAL PROVIDING MEDICAL
48 CARE TO A PATIENT, MAY AGREE WITH THEIR CLIENT OR PATIENT TO MAINTAIN NO
49 RECORD, OR ANY REDUCED LEVEL OF RECORD KEEPING THAT PROFESSIONAL AND
50 CLIENT OR PATIENT MAY AGREE. IN CASE OF SUCH AGREEMENT, THE PROFES-
51 SIONAL'S ONLY OBLIGATION SHALL BE TO KEEP SUCH RECORDS AS AGREED, AND TO
52 KEEP A RECORD OF THE AGREEMENT. SUCH REDUCED RECORD KEEPING IS CONDUCT
53 PERMITTED UNDER THIS CHAPTER, AND SHALL ATTRACT THE PROTECTIONS OF
54 SECTION ONE HUNDRED NINETY OF THIS ARTICLE.

55 S 34. The tax law is amended by adding a new article 18-A to read as
56 follows:

ARTICLE 18-A

PROVISIONS RELATING TO MARIHUANA

SECTION 446. DEFINITIONS.

447. TAXES IMPOSED.

448. SURETY BOND.

449. COLLECTION OF TAX.

450. FUND.

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

450-B. ORDINARY AND NECESSARY EXPENSES DEDUCTIBLE FROM NET INCOME.

S 446. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "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 TETRAHYDROCANNABINOL, OR ITS ISOMER, DELTA-8 DIBENZOPYRAN NUMBERING SYSTEM, OR DELTA-1 TETRAHYDROCANNABINOL OR ITS ISOMER, DELTA 1 (6) MONOTERPENE NUMBERING SYSTEM.

2. "MARIHUANA" MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS, WHETHER GROWING OR NOT; THE SEEDS THEREOF; THE RESIN EXTRACTED FROM ANY PART OF THE PLANT; AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS OR RESIN. IT DOES NOT INCLUDE THE MATURE STALKS OF THE PLANT, FIBER PRODUCED FROM THE STALKS, OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, ANY OTHER COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE MATURE STALKS (EXCEPT THE RESIN EXTRACTED THEREFROM), FIBER, OIL, OR CAKE, OR THE STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF GERMINATION. IT DOES NOT INCLUDE ALL PARTS OF THE PLANT CANNABIS SATIVA L., WHETHER GROWING OR NOT, HAVING NO MORE THAN THREE-TENTHS OF ONE PERCENT TETRAHYDROCANNABINOL (THC).

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

4. "MARIHUANA PROCESSOR" MEANS A PERSON LICENSED BY THE STATE LIQUOR AUTHORITY TO PURCHASE MARIHUANA AND CONCENTRATED CANNABIS FROM MARIHUANA PRODUCERS, TO PROCESS MARIHUANA, CONCENTRATED CANNABIS, AND MARIHUANA INFUSED PRODUCTS, PACKAGE AND LABEL MARIHUANA, CONCENTRATED CANNABIS AND MARIHUANA INFUSED PRODUCTS FOR SALE IN RETAIL OUTLETS, AND SELL MARIHUANA, CONCENTRATED CANNABIS AND MARIHUANA INFUSED PRODUCTS AT WHOLESALE TO MARIHUANA RETAILERS.

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

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

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

8. "IMMATURE MARIHUANA PLANT" MEANS A MARIHUANA PLANT WITH NO OBSERVABLE FLOWERS OR BUDS.

9. "MARIHUANA RETAILER" MEANS A PERSON LICENSED BY THE STATE LIQUOR AUTHORITY TO PURCHASE MARIHUANA, CONCENTRATED CANNABIS, AND MARIHUANA-INFUSED PRODUCTS FROM MARIHUANA PRODUCERS AND MARIHUANA

1 PROCESSORS AND SELL MARIHUANA, MARIHUANA INFUSED PRODUCTS, AND CONCEN-
2 TRATED CANNABIS IN A RETAIL OUTLET.

3 10. "MARIHUANA RETAILER FOR ON-PREMISES CONSUMPTION" MEANS A PERSON
4 LICENSED BY THE STATE LIQUOR AUTHORITY TO PURCHASE MARIHUANA, CONCEN-
5 TRATED CANNABIS, AND MARIHUANA INFUSED PRODUCTS FROM MARIHUANA PRODUC-
6 ERS, MARIHUANA RETAILERS AND MARIHUANA PROCESSORS AND SELL MARIHUANA
7 PRODUCTS FOR A CUSTOMER TO CONSUME WHILE THE CUSTOMER IS WITHIN THE
8 FACILITY.

9 S 447. TAXES IMPOSED. 1. (A) AN EXCISE TAX IS HEREBY LEVIED UPON MARI-
10 HUANA SOLD OR OTHERWISE TRANSFERRED FROM A MARIHUANA PROCESSOR TO A
11 RETAIL MARIHUANA STORE AT A RATE OF:

12 (1) FIFTEEN PERCENT OF THE PRICE AT TRANSFER; AND

13 (2)(A) THIRTY-FIVE DOLLARS PER OUNCE ON ALL MARIHUANA FLOWERS;

14 (B) TEN DOLLARS PER OUNCE ON MARIHUANA LEAVES; AND

15 (C) FIVE DOLLARS PER IMMATURE MARIHUANA PLANT.

16 (B) TAXES ON CONCENTRATED CANNABIS SHALL BE CALCULATED BASED ON THE
17 WEIGHT OF THE PRODUCT USED TO CREATE THE CONCENTRATE. IN THE EVENT THAT
18 A PERSON HOLDS BOTH A MARIHUANA PRODUCER LICENSE AND A MARIHUANA PROCES-
19 SORS LICENSE, THE EXCISE TAX SHALL BE LEVIED AT THE TIME OF SALE TO A
20 MARIHUANA RETAILER OR MARIHUANA RETAILER FOR ON-PREMISES CONSUMPTION AT
21 THE SAME RATE BASED ON CONTENT OF MARIHUANA OR CONCENTRATED CANNABIS
22 CONTAINED IN THE PRODUCT SOLD.

23 2. FOR REPORTING PERIODS BEGINNING ON OR AFTER JULY FIRST, TWO THOU-
24 SAND SEVENTEEN, THE RATES OF TAX UNDER SUBDIVISION ONE OF THIS SECTION
25 SHALL BE ADJUSTED FOR EACH BIENNIUM ACCORDING TO THE COST-OF-LIVING
26 ADJUSTMENT FOR THE CALENDAR YEAR. THE DEPARTMENT SHALL RE-COMPUTE THE
27 RATES FOR EACH BIENNIUM BY ADDING TO EACH RATE IN SUBDIVISION ONE OF
28 THIS SECTION THE PRODUCT OBTAINED BY MULTIPLYING THE RATE BY A FACTOR
29 THAT IS EQUAL TO 0.25 MULTIPLIED BY THE PERCENTAGE (IF ANY) BY WHICH THE
30 MONTHLY AVERAGED U.S. CITY AVERAGE CONSUMER PRICE INDEX FOR THE TWELVE
31 CONSECUTIVE MONTHS ENDING AUGUST THIRTY-FIRST OF THE PRIOR CALENDAR YEAR
32 EXCEEDS THE MONTHLY AVERAGED U.S. CITY AVERAGE CONSUMER PRICE INDEX FOR
33 THE TWELVE CONSECUTIVE MONTHS ENDING AUGUST THIRTY-FIRST, TWO THOUSAND
34 FIFTEEN.

35 3. THE DEPARTMENT SHALL REGULARLY REVIEW THE RATES OF THE TAX UNDER
36 SUBDIVISION ONE OF THIS SECTION AND MAKE RECOMMENDATIONS TO THE LEGISLA-
37 TURE REGARDING APPROPRIATE ADJUSTMENTS TO THE RATES THAT WILL FURTHER
38 THE PURPOSES OF:

39 (A) MAXIMIZING NET REVENUE;

40 (B) MINIMIZING THE ILLEGAL MARIHUANA INDUSTRY; AND

41 (C) DISCOURAGING THE USE OF MARIHUANA BY MINORS UNDER TWENTY-ONE YEARS
42 OF AGE.

43 S 448. SURETY BOND. MARIHUANA RETAILER APPLICANTS ARE REQUIRED TO
44 SUBMIT A SURETY BOND WITH THE DEPARTMENT EQUAL TO TWO MONTHS OF THE
45 CULTIVATION FACILITY'S ANTICIPATED RETAIL MARIHUANA EXCISE TAX. THE
46 SURETY BOND MUST BE ISSUED BY A COMPANY AUTHORIZED TO DO BUSINESS IN THE
47 STATE. PROOF OF SURETY BOND IS REQUIRED FOR APPROVAL OF APPLICANT'S
48 RETAIL LICENSE.

49 S 449. COLLECTION OF TAX. THIS TAX SHALL BE COLLECTED BY THE COMMIS-
50 SIONER WHO SHALL ESTABLISH A PROCEDURE FOR THE COLLECTION OF THIS TAX.

51 S 450. FUND. PROCEEDS FROM THE TAX SHALL BE GIVEN TO THE STATE COMP-
52 TROLLER FOR PLACEMENT IN A FUND THAT SHALL BE KNOWN AS A MARIHUANA
53 REVENUE FUND. FIFTEEN PERCENT OF THE REVENUE COLLECTED IN THE MARIHUANA
54 REVENUE FUND SHALL BE DIVIDED EQUALLY BETWEEN (A) THE DIVISION OF CRIMI-
55 NAL JUSTICE SERVICES FOR RE-ENTRY SUPPORT SERVICES FOR INDIVIDUALS
56 RELEASED FROM PRISON AFTER SERVING TIME FOR DRUG RELATED OFFENSES; (B)

1 THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES FOR DRUG ABUSE
2 PREVENTION AND TREATMENT PROGRAMS; AND (C) THE DEPARTMENT OF LABOR FOR
3 APPRENTICESHIP AND JOB TRAINING PROGRAMS TARGETING, WITH PREFERENCE
4 GIVEN TO PROGRAMS TARGETING CENSUS TRACTS WITH A POVERTY RATE OF AT
5 LEAST TWENTY PERCENT OR AN UNEMPLOYMENT RATE OF AT LEAST ONE AND ONE
6 QUARTER TIMES THE NEW YORK STATE UNEMPLOYMENT RATE. THE REMAINDER OF THE
7 REVENUE COLLECTED FROM THIS TAX SHALL GO INTO THE GENERAL FUND. FOR THE
8 FIRST FIVE YEARS OF THE FUND, TEN PERCENT OF THE ANNUAL PROCEEDS
9 COLLECTED IN THE MARIHUANA REVENUE FUND SHALL BE PROVIDED TO THE STATE
10 LIQUOR AUTHORITY FOR PROGRAM ADMINISTRATION COSTS.

11 S 450-A. LOCAL TAXES ON MARIHUANA BY A CITY OR TOWN. ANY CITY OR TOWN
12 IN THIS STATE, ACTING THROUGH ITS LOCAL LEGISLATIVE BODY, IS HEREBY
13 AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS IMPOSING IN ANY
14 SUCH CITY OR TOWN A SALES TAX ON MARIHUANA RETAILERS AT A RATE OF FIVE
15 PERCENT OF THE SALE PRICE OF MARIHUANA PRODUCTS SOLD TO A MARIHUANA
16 CONSUMER. ANY TAXES IMPOSED PURSUANT TO THE AUTHORITY OF THIS SECTION
17 SHALL BE ADMINISTERED AND COLLECTED BY THE TAX COMMISSION IN THE SAME
18 MANNER AS THE TAXES IMPOSED UNDER SECTION FOUR HUNDRED FORTY-NINE OF
19 THIS ARTICLE. THE COMMISSIONER IS HEREBY EMPOWERED TO MAKE SUCH
20 PROVISIONS AS IT DEEMS NECESSARY FOR THE JOINT ADMINISTRATION AND
21 COLLECTION OF THE STATE AND LOCAL TAXES IMPOSED AND AUTHORIZED BY THIS
22 ARTICLE.

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

32 S 35. Paragraphs (i), (j) and (k) of subdivision 3 of section 160.50
33 of the criminal procedure law, paragraphs (i) and (j) as added by chap-
34 ter 905 of the laws of 1977 and paragraph (k) as added by chapter 835 of
35 the laws of 1977 and as relettered by chapter 192 of the laws of 1980,
36 are amended to read as follows:

37 (i) prior to the filing of an accusatory instrument in a local crimi-
38 nal court against such person, the prosecutor elects not to prosecute
39 such person. In such event, the prosecutor shall serve a certification
40 of such disposition upon the division of criminal justice services and
41 upon the appropriate police department or law enforcement agency which,
42 upon receipt thereof, shall comply with the provisions of paragraphs
43 (a), (b), (c) and (d) of subdivision one of this section in the same
44 manner as is required thereunder with respect to an order of a court
45 entered pursuant to said subdivision one[.]; OR

46 (j) following the arrest of such person, the arresting police agency,
47 prior to the filing of an accusatory instrument in a local criminal
48 court but subsequent to the forwarding of a copy of the fingerprints of
49 such person to the division of criminal justice services, elects not to
50 proceed further. In such event, the head of the arresting police agency
51 shall serve a certification of such disposition upon the division of
52 criminal justice services which, upon receipt thereof, shall comply with
53 the provisions of paragraphs (a), (b), (c) and (d) of subdivision one of
54 this section in the same manner as is required thereunder with respect
55 to an order of a court entered pursuant to said subdivision one[.]; OR

1 (k) (i) The accusatory instrument alleged a violation of article two
2 hundred twenty or section 240.36 of the penal law, prior to the taking
3 effect of article two hundred twenty-one of the penal law, or a
4 violation of article two hundred twenty-one of the penal law; (ii) the
5 sole controlled substance involved is [marijuana] MARIHUANA; AND (iii)
6 the conviction was only for a violation or violations[; and (iv) at
7 least three years have passed since the offense occurred].

8 S 36. Subdivision 1 of section 170.56 of the criminal procedure law,
9 as amended by chapter 360 of the laws of 1977, is amended to read as
10 follows:

11 1. Upon or after arraignment in a local criminal court upon an infor-
12 mation, a prosecutor's information or a misdemeanor complaint, where the
13 sole remaining count or counts charge a violation or violations of
14 section 221.05, [221.10,] 221.15, 221.35 or 221.40 of the penal law and
15 before the entry of a plea of guilty thereto or commencement of a trial
16 thereof, the court, upon motion of a defendant, may order that all
17 proceedings be suspended and the action adjourned in contemplation of
18 dismissal, or upon a finding that adjournment would not be necessary or
19 appropriate and the setting forth in the record of the reasons for such
20 findings, may dismiss in furtherance of justice the accusatory instru-
21 ment; provided, however, that the court may not order such adjournment
22 in contemplation of dismissal or dismiss the accusatory instrument if:
23 (a) the defendant has previously been granted such adjournment in
24 contemplation of dismissal, or (b) the defendant has previously been
25 granted a dismissal under this section, or (c) the defendant has previ-
26 ously been convicted of any offense involving controlled substances, or
27 (d) the defendant has previously been convicted of a crime and the
28 district attorney does not consent or (e) the defendant has previously
29 been adjudicated a youthful offender on the basis of any act or acts
30 involving controlled substances and the district attorney does not
31 consent. NOTWITHSTANDING THE LIMITATIONS SET FORTH IN THIS SUBDIVISION,
32 THE COURT MAY ORDER THAT ALL PROCEEDINGS BE SUSPENDED AND THE ACTION
33 ADJOURNED IN CONTEMPLATION OF DISMISSAL BASED UPON A FINDING OF EXCEP-
34 TIONAL CIRCUMSTANCES. FOR PURPOSES OF THIS SUBDIVISION, EXCEPTIONAL
35 CIRCUMSTANCES EXIST WHEN, REGARDLESS OF THE ULTIMATE DISPOSITION OF THE
36 CASE, THE ENTRY OF A PLEA OF GUILTY IS LIKELY TO RESULT IN SEVERE COLLA-
37 TERAL CONSEQUENCES, INCLUDING, BUT NOT LIMITED TO, THOSE THAT COULD
38 LEAVE A NONCITIZEN INADMISSIBLE OR DEPORTABLE FROM THE UNITED STATES.

39 S 37. Section 210.46 of the criminal procedure law, as amended by
40 chapter 360 of the laws of 1977, is amended to read as follows:

41 S 210.46 Adjournment in contemplation of dismissal in marihuana cases
42 in a superior court.

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

51 S 38. Paragraphs (h) and (i) of subdivision 1 of section 440.10 of the
52 criminal procedure law, paragraph (h) as amended and paragraph (i) as
53 added by chapter 332 of the laws of 2010, are amended and a new para-
54 graph (j) is added to read as follows:

55 (h) The judgment was obtained in violation of a right of the defendant
56 under the constitution of this state or of the United States; [or]

1 (i) The judgment is a conviction where the arresting charge was under
2 section 240.37 (loitering for the purpose of engaging in a prostitution
3 offense, provided that the defendant was not alleged to be loitering for
4 the purpose of patronizing a prostitute or promoting prostitution) or
5 230.00 (prostitution) of the penal law, and the defendant's partic-
6 ipation in the offense was a result of having been a victim of sex traf-
7 ficking under section 230.34 of the penal law or trafficking in persons
8 under the Trafficking Victims Protection Act (United States Code, title
9 22, chapter 78); provided that

10 (i) a motion under this paragraph shall be made with due diligence,
11 after the defendant has ceased to be a victim of such trafficking or has
12 sought services for victims of such trafficking, subject to reasonable
13 concerns for the safety of the defendant, family members of the defend-
14 ant, or other victims of such trafficking that may be jeopardized by the
15 bringing of such motion, or for other reasons consistent with the
16 purpose of this paragraph; and

17 (ii) official documentation of the defendant's status as a victim of
18 sex trafficking or trafficking in persons at the time of the offense
19 from a federal, state or local government agency shall create a presump-
20 tion that the defendant's participation in the offense was a result of
21 having been a victim of sex trafficking or trafficking in persons, but
22 shall not be required for granting a motion under this paragraph[.]; OR

23 (J) THE JUDGMENT OCCURRED PRIOR TO THE EFFECTIVE DATE OF THIS PARA-
24 GRAPH AND IS A CONVICTION FOR:

25 (I) AN OFFENSE AS DEFINED BY SECTION 221.10 OF THE PENAL LAW (CRIMINAL
26 POSSESSION OF MARIHUANA IN THE FIFTH DEGREE), AS IN EFFECT PRIOR TO THE
27 EFFECTIVE DATE OF THIS PARAGRAPH, PROVIDED THAT THE ACCUSATORY INSTRU-
28 MENT THAT UNDERLIES THE JUDGMENT DOES NOT INCLUDE AN ALLEGATION THAT THE
29 DEFENDANT POSSESSED MORE THAN TWENTY-FIVE GRAMS OF MARIHUANA; OR

30 (II) AN OFFENSE AS DEFINED BY FORMER SECTION 221.35 OF THE PENAL LAW
31 (CRIMINAL SALE OF MARIHUANA IN THE FIFTH DEGREE).

32 S 39. Subdivision 6 of section 440.10 of the criminal procedure law,
33 as added by chapter 332 of the laws of 2010, is amended to read as
34 follows:

35 6. If the court grants a motion under paragraph (i) OR PARAGRAPH (J)
36 of subdivision one of this section, it must vacate the judgment and
37 dismiss the accusatory instrument, and may take such additional action
38 as is appropriate in the circumstances.

39 S 40. Section 440.46 of the criminal procedure law, as added by
40 section 9 of part AAA of chapter 56 of the laws of 2009, subdivision 1
41 as amended by section 79 of subpart B of part C of chapter 62 of the
42 laws of 2011, is amended to read as follows:

43 S 440.46 Motion for resentencing; certain controlled substance offenders.

44 1. A PERSON MAY, UPON NOTICE TO THE APPROPRIATE DISTRICT ATTORNEY,
45 APPLY FOR RESENTENCING OR REDESIGNATION TO A DETERMINATE SENTENCE,
46 SUBJECT TO THE FOLLOWING CRITERIA:

47 A. Any person in the custody of the department of corrections and
48 community supervision convicted of a class B felony offense defined in
49 article two hundred twenty of the penal law which was committed prior to
50 January thirteenth, two thousand five, who is serving an indeterminate
51 sentence with a maximum term of more than three years, may[, except as
52 provided in subdivision five of this section, upon notice to the appro-
53 priate district attorney,] apply to be resentenced to a determinate
54 sentence in accordance with sections 60.04 and 70.70 of the penal law in
55 the court which imposed the sentence.

1 [2.] (I) As part of any such application, the defendant may also move
2 to be resentenced to a determinate sentence in accordance with section
3 70.70 of the penal law for any one or more class C, D, or E felony
4 offenses defined in article two hundred twenty or two hundred twenty-one
5 of the penal law, the sentence or sentences for which were imposed by
6 the sentencing court at the same time or were included in the same order
7 of commitment as such class B felony.

8 (II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO ANY PERSON
9 WHO IS SERVING A SENTENCE ON A CONVICTION FOR OR HAS A PREDICATE FELONY
10 CONVICTION FOR AN EXCLUSION OFFENSE. FOR PURPOSES OF THIS SUBDIVISION,
11 AN "EXCLUSION OFFENSE" IS: (A) A CRIME FOR WHICH THE PERSON WAS PREVI-
12 OUSLY CONVICTED WITHIN THE PRECEDING TEN YEARS, EXCLUDING ANY TIME
13 DURING WHICH THE OFFENDER WAS INCARCERATED FOR ANY REASON BETWEEN THE
14 TIME OF COMMISSION OF THE PREVIOUS FELONY AND THE TIME OF COMMISSION OF
15 THE PRESENT FELONY, WHICH WAS: (1) A VIOLENT FELONY OFFENSE AS DEFINED
16 IN SECTION 70.02 OF THE PENAL LAW; OR (2) ANY OTHER OFFENSE FOR WHICH A
17 MERIT TIME ALLOWANCE IS NOT AVAILABLE PURSUANT TO SUBPARAGRAPH (II) OF
18 PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION EIGHT HUNDRED THREE OF THE
19 CORRECTION LAW; OR (B) A SECOND VIOLENT FELONY OFFENSE PURSUANT TO
20 SECTION 70.04 OF THE PENAL LAW OR A PERSISTENT VIOLENT FELONY OFFENSE
21 PURSUANT TO SECTION 70.08 OF THE PENAL LAW FOR WHICH THE PERSON HAS
22 PREVIOUSLY BEEN ADJUDICATED.

23 B. A PERSON CURRENTLY SERVING A SENTENCE FOR A CONVICTION, WHETHER BY
24 TRIAL OR BY PLEA, OF AN OFFENSE DEFINED IN THE FORMER SECTIONS 221.25,
25 221.30, 221.50, OR 221.55 AND SECTIONS 221.15, 221.20, 221.35, OR 221.45
26 OF THE PENAL LAW PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH MAY APPLY
27 TO BE RESENTENCED TO A DETERMINATE SENTENCE IN ACCORDANCE WITH SECTIONS
28 221.15, 221.20, 221.35, 221.40, OR 221.45 OF THE PENAL LAW, AS AMENDED,
29 IN THE COURT WHICH IMPOSED THE SENTENCE.

30 C. A PERSON WHO HAS COMPLETED HIS OR HER SENTENCE FOR A CONVICTION,
31 WHETHER BY TRIAL OR BY PLEA, OF AN OFFENSE IN THE FORMER SECTIONS
32 221.25, 221.30, 221.50, OR 221.55 OF THE PENAL LAW PRIOR TO THE EFFEC-
33 TIVE DATE OF THIS PARAGRAPH MAY APPLY FOR RE-DESIGNATION OF THEIR
34 CONVICTION TO A DETERMINATE CONVICTION IN ACCORDANCE WITH SECTIONS
35 221.15, 221.20, 221.35, 221.40, OR 221.45 OF THE PENAL LAW, AS AMENDED,
36 IN THE COURT WHICH IMPOSED THE SENTENCE.

37 [3.] 2. The provisions of section twenty-three of chapter seven
38 hundred thirty-eight of the laws of two thousand four shall govern the
39 proceedings on and determination of a motion brought pursuant to this
40 section; provided, however that the court's consideration of the insti-
41 tutional record of confinement of such person shall include but not be
42 limited to such person's participation in or willingness to participate
43 in treatment or other programming while incarcerated and such person's
44 disciplinary history. The fact that a person may have been unable to
45 participate in treatment or other programming while incarcerated despite
46 such person's willingness to do so shall not be considered a negative
47 factor in determining a motion pursuant to this section.

48 [4.] 3. Subdivision one of section seven hundred seventeen and subdi-
49 vision four of section seven hundred twenty-two of the county law, and
50 the related provisions of article eighteen-A of such law, shall apply to
51 the preparation of and proceedings on motions pursuant to this section,
52 including any appeals.

53 [5. The provisions of this section shall not apply to any person who
54 is serving a sentence on a conviction for or has a predicate felony
55 conviction for an exclusion offense. For purposes of this subdivision,
56 an "exclusion offense" is:

1 (a) a crime for which the person was previously convicted within the
2 preceding ten years, excluding any time during which the offender was
3 incarcerated for any reason between the time of commission of the previ-
4 ous felony and the time of commission of the present felony, which was:

5 (i) a violent felony offense as defined in section 70.02 of the penal
6 law; or (ii) any other offense for which a merit time allowance is not
7 available pursuant to subparagraph (ii) of paragraph (d) of subdivision
8 one of section eight hundred three of the correction law; or

9 (b) a second violent felony offense pursuant to section 70.04 of the
10 penal law or a persistent violent felony offense pursuant to section
11 70.08 of the penal law for which the person has previously been adjudi-
12 cated.]

13 4. UNDER NO CIRCUMSTANCES MAY RESENTENCING UNDER THIS SECTION RESULT
14 IN THE IMPOSITION OF A TERM LONGER THAN THE ORIGINAL SENTENCE.

15 5. NOTHING IN THIS SECTION IS INTENDED TO DIMINISH OR ABROGATE ANY
16 RIGHTS OR REMEDIES OTHERWISE AVAILABLE TO THE PETITIONER OR APPLICANT.

17 S 41. Paragraph (c) of subdivision 8 of section 700.05 of the criminal
18 procedure law, as amended by chapter 37 of the laws of 2014, is amended
19 to read as follows:

20 (c) Criminal possession of a controlled substance in the seventh
21 degree as defined in section 220.03 of the penal law, criminal
22 possession of a controlled substance in the fifth degree as defined in
23 section 220.06 of the penal law, criminal possession of a controlled
24 substance in the fourth degree as defined in section 220.09 of the penal
25 law, criminal possession of a controlled substance in the third degree
26 as defined in section 220.16 of the penal law, criminal possession of a
27 controlled substance in the second degree as defined in section 220.18
28 of the penal law, criminal possession of a controlled substance in the
29 first degree as defined in section 220.21 of the penal law, criminal
30 sale of a controlled substance in the fifth degree as defined in section
31 220.31 of the penal law, criminal sale of a controlled substance in the
32 fourth degree as defined in section 220.34 of the penal law, criminal
33 sale of a controlled substance in the third degree as defined in section
34 220.39 of the penal law, criminal sale of a controlled substance in the
35 second degree as defined in section 220.41 of the penal law, criminal
36 sale of a controlled substance in the first degree as defined in section
37 220.43 of the penal law, criminally possessing a hypodermic instrument
38 as defined in section 220.45 of the penal law, criminal sale of a
39 prescription for a controlled substance or a controlled substance by a
40 practitioner or pharmacist as defined in section 220.65 of the penal
41 law, criminal possession of methamphetamine manufacturing material in
42 the second degree as defined in section 220.70 of the penal law, crimi-
43 nal possession of methamphetamine manufacturing material in the first
44 degree as defined in section 220.71 of the penal law, criminal
45 possession of precursors of methamphetamine as defined in section 220.72
46 of the penal law, unlawful manufacture of methamphetamine in the third
47 degree as defined in section 220.73 of the penal law, unlawful manufac-
48 ture of methamphetamine in the second degree as defined in section
49 220.74 of the penal law, unlawful manufacture of methamphetamine in the
50 first degree as defined in section 220.75 of the penal law, unlawful
51 disposal of methamphetamine laboratory material as defined in section
52 220.76 of the penal law, operating as a major trafficker as defined in
53 section 220.77 of the penal law, [criminal possession of marihuana in
54 the first degree as defined in section 221.30 of the penal law, criminal
55 sale of marihuana in the first degree as defined in section 221.55 of
56 the penal law,] promoting gambling in the second degree as defined in

1 section 225.05 of the penal law, promoting gambling in the first degree
2 as defined in section 225.10 of the penal law, possession of gambling
3 records in the second degree as defined in section 225.15 of the penal
4 law, possession of gambling records in the first degree as defined in
5 section 225.20 of the penal law, and possession of a gambling device as
6 defined in section 225.30 of the penal law;

7 S 42. Paragraphs (b) and (c) of subdivision 4-b and subdivisions 6 and
8 9 of section 1310 of the civil practice law and rules, paragraphs (b)
9 and (c) of subdivision 4-b as added by chapter 655 of the laws of 1990
10 and subdivisions 6 and 9 as added by chapter 669 of the laws of 1984,
11 are amended to read as follows:

12 (b) on three or more occasions, engaging in conduct constituting a
13 violation of any of the felonies defined in section 220.09, 220.16,
14 220.18, 220.21, 220.31, 220.34, 220.39, 220.41[,] OR 220.43 [or 221.55]
15 of the penal law, which violations do not constitute a single criminal
16 offense as defined in subdivision one of section 40.10 of the criminal
17 procedure law, or a single criminal transaction, as defined in paragraph
18 (a) of subdivision two of section 40.10 of the criminal procedure law,
19 and at least one of which resulted in a conviction of such offense, or
20 where the accusatory instrument charges one or more of such felonies,
21 conviction upon a plea of guilty to a felony for which such plea is
22 otherwise authorized by law; or

23 (c) a conviction of a person for a violation of section 220.09,
24 220.16, 220.34 or 220.39 of the penal law, [or a conviction of a crimi-
25 nal defendant for a violation of section 221.30 of the penal law,] or
26 where the accusatory instrument charges any such felony, conviction upon
27 a plea of guilty to a felony for which the plea is otherwise authorized
28 by law, together with evidence which: (i) provides substantial indicia
29 that the defendant used the real property to engage in a continual,
30 ongoing course of conduct involving the unlawful mixing, compounding,
31 manufacturing, warehousing, or packaging of controlled substances [or
32 where the conviction is for a violation of section 221.30 of the penal
33 law, marijuana,] as part of an illegal trade or business for gain; and
34 (ii) establishes, where the conviction is for possession of a controlled
35 substance [or where the conviction is for a violation of section 221.30
36 of the penal law, marijuana], that such possession was with the intent
37 to sell it.

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

41 9. "Criminal defendant" means a person who has criminal liability for
42 a crime defined in subdivisions five and six [hereof] OF THIS SECTION.
43 For purposes of this article, a person has criminal liability when [(a)]
44 he has been convicted of a post-conviction forfeiture crime[, or (b) the
45 claiming authority proves by clear and convincing evidence that such
46 person has committed an act in violation of article two hundred twenty
47 or section 221.30 or 221.55 of the penal law].

48 S 43. Subdivision 3-a and paragraphs (a) and (b) of subdivision 11 of
49 section 1311 of the civil practice law and rules, subdivision 3-a as
50 added by chapter 655 of the laws of 1990 and paragraphs (a) and (b) of
51 subdivision 11 as amended by section 47 of part A1 of chapter 56 of the
52 laws of 2010, are amended to read as follows:

53 3-a. Conviction of a person in a criminal action upon an accusatory
54 instrument which includes one or more of the felonies specified in
55 subdivision four-b of section thirteen hundred ten of this article, of
56 any felony other than such felonies, shall not preclude a defendant, in

1 any subsequent proceeding under this article where that conviction is at
2 issue, from adducing evidence that the conduct underlying the conviction
3 would not establish the elements of any of the felonies specified in
4 such subdivision other than the one to which the criminal defendant pled
5 guilty. If the defendant does adduce such evidence, the burden shall be
6 upon the claiming authority to prove, by clear and convincing evidence,
7 that the conduct underlying the criminal conviction would establish the
8 elements of the felony specified in such subdivision. Nothing contained
9 in this subdivision shall affect the validity of a settlement of any
10 forfeiture action negotiated between the claiming authority and a crimi-
11 nal defendant contemporaneously with the taking of a plea of guilty in a
12 criminal action to any felony defined in article two hundred twenty [or
13 section 221.30 or 221.55] of the penal law, or to a felony conspiracy to
14 commit the same.

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

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

32 S 44. Subdivision 13 of section 89-f of the general business law, as
33 added by chapter 336 of the laws of 1992, is amended to read as follows:

34 13. "Serious offense" shall mean any felony involving the offenses
35 enumerated in the closing paragraph of this subdivision; a criminal
36 solicitation of or a conspiracy to commit or an attempt to commit or a
37 criminal facilitation of a felony involving the offenses enumerated in
38 the closing paragraph of this subdivision, which criminal solicitation,
39 conspiracy, attempt or criminal facilitation itself constitutes a felony
40 or any offense in any other jurisdiction which if committed in this
41 state would constitute a felony; any offense in any other jurisdiction
42 which if committed in this state would constitute a felony provided that
43 for the purposes of this article, none of the following shall be consid-
44 ered criminal convictions or reported as such: (i) a conviction for
45 which an executive pardon has been issued pursuant to the executive law;
46 (ii) a conviction which has been vacated and replaced by a youthful
47 offender finding pursuant to article seven hundred twenty of the crimi-
48 nal procedure law, or the applicable provisions of law of any other
49 jurisdiction; or (iii) a conviction the records of which have been
50 sealed pursuant to the applicable provisions of the laws of this state
51 or of any other jurisdiction; and (iv) a conviction for which other
52 evidence of successful rehabilitation to remove the disability has been
53 issued.

54 Felonies involving: assault, aggravated assault and reckless endanger-
55 ment pursuant to article one hundred twenty; vehicular manslaughter,
56 manslaughter and murder pursuant to article one hundred twenty-five; sex

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

29 S 45. Paragraph (f) of subdivision 2 of section 850 of the general
30 business law is REPEALED.

31 S 46. Paragraph (h) of subdivision 2 of section 850 of the general
32 business law, as amended by chapter 812 of the laws of 1980, is amended
33 to read as follows:

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

37 S 47. Paragraph a of subdivision 4-a of section 165 of the state
38 finance law, as added by chapter 95 of the laws of 2000, is amended to
39 read as follows:

40 a. In order to advance specific economic goals, New York state
41 labelled wines, as defined in subdivision [twenty-a] TWENTY-J of section
42 three of the alcoholic beverage control law, shall have favored source
43 status for the purposes of procurement in accordance with the provisions
44 of this subdivision. Procurement of these New York state labelled wines
45 shall be exempt from the competitive procurement provisions of section
46 one hundred sixty-three of this article and other competitive procure-
47 ment statutes. Such exemption shall apply to New York state labelled
48 wines as defined in subdivision [twenty-a] TWENTY-J of section three of
49 the alcoholic beverage control law produced by a licensed winery as
50 defined in section seventy-six of the alcoholic beverage control law.

51 S 48. Subdivision 7 of section 995 of the executive law, as amended by
52 chapter 19 of the laws of 2012, is amended to read as follows:

53 7. "Designated offender" means a person convicted of any felony
54 defined in any chapter of the laws of the state or any misdemeanor
55 defined in the penal law [except that where the person is convicted
56 under section 221.10 of the penal law, only a person convicted under

1 subdivision two of such section, or a person convicted under subdivision
2 one of such section who stands previously convicted of any crime as
3 defined in subdivision six of section 10.00 of the penal law].

4 S 49. Paragraphs (b) and (c) of subdivision 7 of section 480.00 of the
5 penal law, paragraph (b) as amended by section 31 of part AAA of chapter
6 56 of the laws of 2009 and paragraph (c) as added by chapter 655 of the
7 laws of 1990, are amended to read as follows:

8 (b) three or more violations of any of the felonies defined in section
9 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41,
10 220.43[,] OR 220.77[, or 221.55] of this chapter, which violations do
11 not constitute a single criminal offense as defined in subdivision one
12 of section 40.10 of the criminal procedure law, or a single criminal
13 transaction, as defined in paragraph (a) of subdivision two of section
14 40.10 of the criminal procedure law, and at least one of which resulted
15 in a conviction of such offense, or where the accusatory instrument
16 charges one or more of such felonies, conviction upon a plea of guilty
17 to a felony for which such plea is otherwise authorized by law; or

18 (c) a conviction of a person for a violation of section 220.09,
19 220.16, 220.34[,] OR 220.39[, or 221.30] of this chapter, or where the
20 accusatory instrument charges any such felony, conviction upon a plea of
21 guilty to a felony for which the plea is otherwise authorized by law,
22 together with evidence which: (i) provides substantial indicia that the
23 defendant used the real property to engage in a continual, ongoing
24 course of conduct involving the unlawful mixing, compounding, manufac-
25 turing, warehousing, or packaging of controlled substances [or where the
26 conviction is for a violation of section 221.30 of this chapter, mari-
27 juana] as part of an illegal trade or business for gain; and (ii) estab-
28 lishes, where the conviction is for possession of a controlled substance
29 [or where the conviction is for a violation of section 221.30 of this
30 chapter, marijuana], that such possession was with the intent to sell
31 it.

32 S 50. Paragraph (c) of subdivision 4 of section 509-cc of the vehicle
33 and traffic law, as amended by chapter 400 of the laws of 2011, is
34 amended to read as follows:

35 (c) The offenses referred to in subparagraph (i) of paragraph (b) of
36 subdivision one and subparagraph (i) of paragraph (c) of subdivision two
37 of this section that result in disqualification for a period of five
38 years shall include a conviction under sections 100.10, 105.13, 115.05,
39 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13,
40 125.40, 125.45, 130.20, 130.25, 130.52, 130.55, 135.10, 135.55, 140.17,
41 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09,
42 220.16, 220.31, 220.34, 220.60, 220.65, [221.30, 221.50, 221.55,]
43 230.00, 230.05, 230.06, 230.20, 235.05, 235.06, 235.07, 235.21, 240.06,
44 245.00, 260.10, subdivision two of section 260.20 and sections 260.25,
45 265.02, 265.03, 265.08, 265.09, 265.10, 265.12, 265.35 of the penal law
46 or an attempt to commit any of the aforesaid offenses under section
47 110.00 of the penal law, or any similar offenses committed under a
48 former section of the penal law, or any offenses committed under a
49 former section of the penal law which would constitute violations of the
50 aforesaid sections of the penal law, or any offenses committed outside
51 this state which would constitute violations of the aforesaid sections
52 of the penal law.

53 S 51. Appropriation. The sum of five million dollars (\$5,000,000) is
54 hereby appropriated to the New York State Liquor Authority out of any
55 moneys in the state treasury in the general fund to the credit of the
56 state purposes account, not otherwise appropriated, and made immediately

1 available, for the purpose of carrying out the provisions of this act.
2 Such moneys shall be payable on the audit and warrant of the comptroller
3 on vouchers certified or approved by the superintendent or the chairman
4 of the New York State Liquor Authority in the manner prescribed by law.

5 S 52. 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 53. This act shall take effect immediately; provided, however that
11 the amendments to section 2 of the alcoholic beverage control law made
12 by section twenty-five of this act shall take effect on the same date
13 and in the same manner as chapter 406 of the laws of 2014, takes effect.