

STATE OF NEW YORK

8072

IN SENATE

March 26, 2018

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the public health law, in relation to the definitions of industrial hemp, concentrated cannabis, and marihuana

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

Section 1. Subdivision 1 of section 505 of the agriculture and markets law, as added by chapter 524 of the laws of 2014, is amended to read as follows:

1. "Industrial hemp" means the ~~[plant]~~ genus Cannabis ~~[sativa L.]~~ and ~~[any part]~~ all parts and varieties of such ~~[plant]~~ genus, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. Industrial hemp does not include plants of the genus Cannabis that meet the definitions of "concentrated cannabis" or "marihuana" as defined in subdivisions four and twenty-one of section thirty-three hundred two of the public health law respectively.

§ 2. Paragraph (a) of subdivision 4 of section 3302 of the public health law, as added by chapter 878 of the laws of 1972 and as renumbered by chapter 537 of the laws of 1998, is amended to read as follows:

(a) the separated resin, whether crude or purified, obtained from a plant of the genus Cannabis with a delta-9 tetrahydrocannabinol concentration greater than 0.3 percent on a dry weight basis; or

§ 3. Subdivision 21 of section 3302 of the public health law, as added by chapter 878 of the laws of 1972 and as renumbered by chapter 537 of the laws of 1998, is amended to read as follows:

21. "Marihuana" means all parts of the plant of the genus Cannabis, whether growing or not, with a delta-9 tetrahydrocannabinol concentration greater than 0.3 percent on a dry weight basis; 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: (a) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the

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

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1 plant, any other compound, manufacture, salt, derivative, mixture, or
2 preparation of the mature stalks (except the resin extracted therefrom),
3 fiber, oil, or cake, or the sterilized seed of the plant which is inca-
4 pable of germination; or (b) industrial hemp as defined in section five
5 hundred five of the agriculture and markets law.

6 § 4. This act shall take effect immediately.