

# STATE OF NEW YORK

8511

## IN SENATE

March 8, 2022

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

AN ACT to amend the penal law, in relation to including certain acts in the criminal sale of cannabis

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

1 Section 1. Section 222.50 of the penal law, as added by chapter 92 of  
2 the laws of 2021, is amended to read as follows:

3 § 222.50 Criminal sale of cannabis in the third degree.

4 A person is guilty of criminal sale of cannabis in the third degree  
5 when:

6 1. he or she knowingly and unlawfully sells more than three ounces of  
7 cannabis or more than twenty-four grams of concentrated cannabis; or

8 2. being twenty-one years of age or older, he or she knowingly and  
9 unlawfully sells or gives, or causes to be given or sold, cannabis or  
10 concentrated cannabis to a person less than twenty-one years of age;  
11 except that in any prosecution under this subdivision, it is a defense  
12 that the defendant was less than three years older than the person under  
13 the age of twenty-one at the time of the offense. This subdivision shall  
14 not apply to designated caregivers, practitioners, employees of a regis-  
15 tered organization or employees of a designated caregiver facility  
16 acting in compliance with article three of the cannabis law.

17 3. any person, while employed or operating a commercial establishment,  
18 store, club, or facility, who knowingly and unlawfully sells, transfers,  
19 gifts or trades cannabis without appropriate license or authority under  
20 the cannabis law. Any person convicted under this subdivision shall act  
21 to preclude the person from seeking, qualifying or receiving any permit,  
22 license or authority to perform any activities under the cannabis law.

23 Criminal sale of cannabis in the third degree is a class A misdemea-  
24 nor.

25 § 2. Section 222.55 of the penal law, as added by chapter 92 of the  
26 laws of 2021, is amended to read as follows:

27 § 222.55 Criminal sale of cannabis in the second degree.

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

LBD14894-01-2

1 A person is guilty of criminal sale of cannabis in the second degree  
2 when:

3 1. he or she knowingly and unlawfully sells more than sixteen ounces  
4 of cannabis or more than five ounces of concentrated cannabis; or

5 2. being twenty-one years of age or older, he or she knowingly and  
6 unlawfully sells or gives, or causes to be given or sold, more than  
7 three ounces of cannabis or more than twenty-four grams of concentrated  
8 cannabis to a person less than eighteen years of age. This subdivision  
9 shall not apply to designated caregivers, practitioners, employees of a  
10 registered organization or employees of a designated caregiver facility  
11 acting in compliance with article three of the cannabis law.

12 3. any person, while employed or operating a commercial establishment,  
13 store, club, or facility, who knowingly and unlawfully sells, transfers,  
14 gifts or trades three or more ounces of cannabis without appropriate  
15 license or authority under the cannabis law. Any person convicted under  
16 this subdivision shall act to preclude the person from seeking, qualify-  
17 ing or receiving any permit, license or authority to perform any activ-  
18 ities under the cannabis law.

19 Criminal sale of cannabis in the second degree is a class E felony.

20 § 3. Section 222.60 of the penal law, as added by chapter 92 of the  
21 laws of 2021, is amended to read as follows:

22 § 222.60 Criminal sale of cannabis in the first degree.

23 A person is guilty of criminal sale of cannabis in the first degree  
24 when:

25 1. he or she knowingly and unlawfully sells more than five pounds of  
26 cannabis or more than two pounds of concentrated cannabis; or

27 2. any person, while employed or operating a commercial establishment,  
28 store, club, or facility, who knowingly and unlawfully sells, transfers,  
29 gifts or trades sixteen or more ounces of cannabis without appropriate  
30 license or authority under the cannabis law. Any person convicted under  
31 this subdivision shall act to preclude the person from seeking, qualify-  
32 ing or receiving any permit, license or authority to perform any activ-  
33 ities under the cannabis law.

34 Criminal sale of cannabis in the first degree is a class D felony.

35 § 4. This act shall take effect on the first of November next succeed-  
36 ing the date on which it shall have become a law.