

# STATE OF NEW YORK

4340

2021-2022 Regular Sessions

## IN SENATE

February 3, 2021

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

AN ACT to amend the public health law, in relation to the sale of cannabinoid hemp and hemp extract

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

1 Section 1. Subdivision 2 of section 3398 of the public health law, as  
2 added by chapter 1 of the laws of 2020, is amended to read as follows:

3 2. "Cannabinoid hemp" means any [~~hemp and any~~] product processed or  
4 derived from hemp, that is used for human consumption provided that when  
5 such product is packaged or offered for retail sale to a consumer, it  
6 shall not have a concentration of more than three tenths of a percent  
7 delta-9 tetrahydrocannabinol.

8 § 2. The opening paragraph of section 3398-a of the public health law,  
9 as added by chapter 1 of the laws of 2020, is amended to read as  
10 follows:

11 The commissioner may make regulations pursuant to this article for the  
12 processing, distribution, marketing, transportation and sale of proc-  
13 essed cannabinoid hemp and derived hemp extracts used for human consump-  
14 tion, which may include, but not be limited to:

15 § 3. Section 3398-b of the public health law is amended by adding a  
16 new subdivision 7 to read as follows:

17 7. Nothing in this article shall prohibit or otherwise prevent the  
18 sale of hemp, provided that the hemp has not undergone processing as  
19 defined in subdivision eight of section thirty-three hundred ninety-  
20 eight of this article.

21 § 4. This act shall take effect immediately.

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

LBD07574-01-1