STATE OF NEW YORK

3487

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. DeSTEFANO, J. A. GIGLIO, BRABENEC, BYRNES, LEMONDES, SMITH, MIKULIN, MANKTELOW, ANGELINO, J. M. GIGLIO -- read once and referred to the Committee on Labor

AN ACT to amend the cannabis law, in relation to excluding firefighters and their operational members from the permissive use of marijuana

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

Section 1. Section 3 of the cannabis law is amended by adding two new subdivisions 25-a and 25-b to read as follows:

25-a. "Exempt fire agency" means a fire department of a city, municipality, village, town or other governmental subdivision that provides fire and emergency services or other safety sensitive tasks to provide public safety to a community.

25-b. "Exempt employee" means an employee, paid or unpaid, of an exempt fire agency whose work responsibilities are tasks that impact the safety of a mitigation effort or the safety of other employees. Activities may include, but shall not be limited to, driving and operating fire apparatus, operating in immediately dangerous to life atmospheres, establishing and operating hose lines, performing all manner of rescue activities, and delivering emergency medical care to the sick or injured.

§ 2. Section 127 of the cannabis law is amended by adding a new subdivision 7 to read as follows:

7. (a) For the purpose of assuring the safety of other firefighters, the public and the protection of their greater community, this section shall not apply to an exempt employee of an exempted fire agency. Additionally, an exempt fire agency shall be entitled to take all reasonable measures to be assured there is no risk of cannabis impairment of its exempt employees, including but not limited to, preemployment testing, random drug tests and testing for cause for the presence of evidence of cannabis use by the member in accordance with current federal standards.

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

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(b) Any exempt employee of an exempt fire agency that is prescribed cannabis for medical purposes shall be required to immediately report their prescription to the exempt fire agency who shall consult with the exempt fire agency's medical director to make a determination of the exempt employee's fitness for duty and a need to be placed on restriction.

§ 3. This act shall take effect immediately.