

# STATE OF NEW YORK

6174

2023-2024 Regular Sessions

## IN ASSEMBLY

April 3, 2023

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Economic Development

AN ACT to amend the cannabis law, in relation to prohibiting the cultivation, processing, distribution and sale of edible cannabis products, flavored cannabis vape cartridges and other flavored cannabis products, and providing restrictions on the labeling and advertisement of flavored cannabis products

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 a new subdivision 24-a to read as follows:

24-a. "Edible cannabis product" means cannabis in a consumable form including, but not limited to, candy products, baked goods, chips, crackers and drinks.

§ 2. Subdivision 1 of section 84 of the cannabis law is amended by adding two new paragraphs (a) and (b) to read as follows:

(a) No distributor shall sell or distribute any edible cannabis product.

(b) No distributor shall sell or distribute any flavored cannabis vape cartridge.

§ 3. Subdivision 3 of section 85 of the cannabis law is amended by adding two new paragraphs (a) and (b) to read as follows:

(a) No cannabis retail licensee shall sell, deliver, or give away or cause or permit or procure to be sold, delivered or given away any edible cannabis product.

(b) No cannabis retail licensee shall sell, deliver, or give away or cause or permit or procure to be sold, delivered or given away any flavored vape cartridge.

§ 4. Subdivision 1 of section 125 of the cannabis law is amended by adding two new paragraphs (a) and (b) to read as follows:

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

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1 (a) No registered organization, licensee, or permittee or other entity  
2 under the jurisdiction of the board shall sell, deliver or give away, or  
3 cause, permit or procure to be sold, delivered or given away any edible  
4 cannabis product.

5 (b) No registered organization, licensee, or permittee or other entity  
6 under the jurisdiction of the board shall sell, deliver or give away, or  
7 cause, permit or procure to be sold, delivered or given away any  
8 flavored cannabis vape cartridge.

9 § 5. Section 83 of the cannabis law is amended by adding a new subdi-  
10 vision 11 to read as follows:

11 11. (a) No cultivator of adult-use cannabis shall grow or clone any  
12 cannabis plant which is flavored by the infusion of added terpenes.

13 (b) No processor of adult-use cannabis shall extract, blend, infuse or  
14 otherwise manufacture any cannabis product with added terpenes for  
15 flavor.

16 (c) For purposes of this subdivision, the term "terpene" shall include  
17 cannabis-derived terpenes, naturally-derived terpenes, including but not  
18 limited to lavender, citrus and pine needles, and synthetically-derived  
19 terpenes.

20 § 6. Section 81 of the cannabis law is amended by adding a new subdi-  
21 vision 8 to read as follows:

22 8. Such rules and regulations shall include the prohibition of product  
23 labeling or packaging that reflects the name of or a type of food.  
24 Cultivators and processors of cannabis may distinguish between types of  
25 cannabis by assigning different names to different varieties, so long as  
26 such names do not include any references to food.

27 § 7. Paragraph (d) of subdivision 2 of section 86 of the cannabis law  
28 is amended to read as follows:

29 (d) is designed in any way to appeal to children or other minors,  
30 including but not limited to, giving cannabis products food-related  
31 names;

32 § 8. This act shall take effect on the thirtieth day after it shall  
33 have become a law. Effective immediately, the addition, amendment and/or  
34 repeal of any rule or regulation necessary for the implementation of  
35 this act on its effective date are authorized to be made and completed  
36 on or before such effective date.