STATE OF NEW YORK

8025

2023-2024 Regular Sessions

IN ASSEMBLY

September 13, 2023

Introduced by M. of A. STECK -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to restrictions on cannabis use near children

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

Section 1. Section 222.10 of the penal law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

§ 222.10 Restrictions on cannabis use.

Unless otherwise authorized by law or regulation, no person shall:

1. smoke or vape cannabis in a location where smoking or vaping cannabis is prohibited pursuant to article thirteen-E of the public health law; [~~or~~]

2. smoke, vape or ingest cannabis or concentrated cannabis in or upon the grounds of a school, as defined in subdivision ten of section eleven hundred twenty-five of the education law or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law; provided, however, provisions of this subdivision shall not apply to acts that are in compliance with article three of the cannabis law**; or**

3. smoke or vape cannabis within thirty feet of a child or within thirty feet of any location in which children reside or attend for any recreational or educational purpose, including areas separated by walls, closed doors or floors within a building.

Notwithstanding any other section of law, violations of restrictions on cannabis use are subject to a civil penalty not exceeding twenty-five dollars or an amount of community service not exceeding twenty hours**; provided that for a second or subsequent violation of the restrictions set forth in subdivision three of this section, a person shall be charged with a class B misdemeanor**.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

LBD11910-02-3