

STATE OF NEW YORK

9047

IN ASSEMBLY

February 5, 2024

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

AN ACT to amend the cannabis law, in relation to the sale of cannabinoid hemp products; and directing the office of cannabis management to repeal certain emergency regulations

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

1 Section 1. The office of cannabis management shall repeal the cannabi-
2 noid hemp emergency regulations adopted by such office on July 27th,
3 2023.

4 § 2. Subdivisions 52 and 53 of section 3 of the cannabis law are
5 amended to read as follows:

6 52. "THC" means Delta-9-tetrahydrocannabinol[; ~~Delta-8-tetrahydrocan-~~
7 ~~nabinol; Delta-10-tetrahydrocannabinol and the optical isomer of such~~
8 ~~substances~~].

9 53. "Total THC" means the [~~sum of the percentage by weight or volume~~
10 ~~measurement of tetrahydrocannabinolic acid multiplied by 0.877, plus,~~
11 ~~the percentage by weight or volume measurement of THC]~~ dry weight total
12 percentage of Delta-9-tetrahydrocannabinol in each product.

13 § 3. Section 91 of the cannabis law is amended by adding a new closing
14 paragraph to read as follows:

15 Commencing on January first, two thousand twenty-four, a retailer
16 licensed by the office pursuant to this article or any applicable rule
17 shall be permitted to sell any and all forms of cannabinoid hemp;
18 provided that such forms of cannabinoid hemp meet the requirements set
19 forth in this article. The cannabis control board shall have the author-
20 ity to promulgate any rules necessary to ensure the safety of cannabi-
21 noid hemp, so long as said rules do not infringe upon the ability of
22 licensed hemp retailers to sell cannabinoid hemp. Any prior or future
23 rules, policies, or regulations promulgated by the board or any other
24 rulemaking body to prohibit the selling of any form of cannabinoid hemp
25 shall be null and void.

26 § 4. Subdivision 13 of section 91 of the cannabis law is amended to
27 read as follows:

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

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1 13. Any cannabinoid hemp flower product clearly labeled or advertised
2 for the purposes of smoking, or in the form of a cigarette, cigar, or
3 pre-roll, or packaged or combined with other items designed to facili-
4 tate smoking such as rolling papers or pipes, shall only be offered for
5 sale [~~in adult-use cannabis retail dispensaries licensed pursuant to~~
6 ~~article four of this chapter~~] to persons twenty-one years of age and
7 older.

8 § 5. Subdivision 2 of section 103 of the cannabis law is amended to
9 read as follows:

10 2. [~~The board may, by rules and regulations, require processors to~~
11 ~~establish a code, including, but not limited to QR code, for labels and~~
12 ~~establish methods and procedures for determining, among other things,~~
13 ~~serving sizes or dosages for cannabinoid hemp, hemp extract and products~~
14 ~~derived therefrom, active cannabinoid concentration per serving size,~~
15 ~~number of servings per container, and the growing region, state or coun-~~
16 ~~try of origin if not from the United States. Such rules and regulations~~
17 ~~may require an appropriate fact panel that incorporates data regarding~~
18 ~~serving sizes and potency thereof~~] Notwithstanding any law, rule, or
19 regulation to the contrary, all hemp-derived cannabinoid products must
20 meet the following labeling requirements:

21 (a) nutrition label with serving size;

22 (b) a warning label that the product is not meant to treat or cure any
23 medical ailment and that it is not regulated by the FDA;

24 (c) the amount of hemp-derived product in each serving of the product
25 in milligrams; and

26 (d) the address of the manufacturer or distributor.

27 § 6. This act shall take effect immediately.