STATE OF NEW YORK

9834

IN ASSEMBLY

April 11, 2024

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

AN ACT to amend the cannabis law, in relation to prohibiting any person or applicant from receiving a license from the office of cannabis management in certain circumstances

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

Section 1. Section 16 of the cannabis law is amended by adding a new subdivision 7 to read as follows:

7. The board or the office shall deem any applicant, as defined in subdivision one of section three of this chapter, who is found in violation of subdivision five of section one hundred thirty-six of this chapter, to be ineligible to receive a license as defined in subdivision thirty-one of section three of this chapter.

§ 2. The opening paragraph of paragraph (a) of subdivision 1 of section 132 of the cannabis law, as amended by section 17 of part UU of chapter 56 of the laws of 2023, is amended to read as follows:

Any person **or applicant as defined in subdivision one of section three of this chapter** who cultivates for sale or sells cannabis, cannabis products, medical cannabis, or any product marketed or labeled as such, without having an appropriate registration, license or permit therefor, including a person whose registration, license, or permit has been revoked, surrendered or cancelled, where such person is engaging in activity for which a license would be required under this chapter, may be subject to a civil penalty of not more than ten thousand dollars for each day during which such violation continues**, shall be deemed ineligible to receive or renew a license as defined in subdivision thirty-one of section three of this chapter,** and an additional civil penalty in an amount of no more than five times the revenue from such prohibited sales or, in an amount of no more than three times the projected revenue for any such product found in the possession of such person based on the retail list price of such products; provided, however, that any such person who engages in such activity from a residence or other real property not otherwise held out as open to the public or otherwise being

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

LBD15161-03-4

utilized in a business or commercial manner or any private vehicle on or about same such property, and the quantity of such product on such premises or vehicle does not exceed the limits of personal use under article two hundred twenty-two of the penal law, may be subject to a civil penalty of no more than five thousand dollars.

§ 3. Subdivisions 4 and 5 of section 138-a of the cannabis law, as amended by section 20 of part UU of chapter 56 of the laws of 2023, are amended and a new subdivision 6 is added to read as follows:

4. seek injunctive relief against any person engaging in conduct in violation of this section; [~~and~~]

5. request that the attorney general obtain judicial enforcement of an order issued under subdivision one of this section or bring an action or proceeding for any relief otherwise authorized under this chapter for a violation of this chapter, including the recovery of any applicable civil penalties[~~.~~]**; and**

6. refuse to grant or renew a license as defined in subdivision thirty-one of section three of this chapter when a person or applicant is found in violation of subdivision seven of section sixteen of this chapter or the opening paragraph of subdivision one of section one hundred thirty-two of this article or any other provisions of article six of this chapter.

§ 4. This act shall take effect immediately.