STATE OF NEW YORK

1751

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sens. HINCHEY, COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to cannabis grower energy efficiency

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

Section 1. The agriculture and markets law is amended by adding a new article 29-A to read as follows:

ARTICLE 29-A

GROWTH OF CANNABIS

Section 530. Definitions.

531. Cannabis grower energy efficiency.

§ 530. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Cannabis" means all or parts of the plant of the genus cannabis.

2. "Concentrated cannabis" means: (a) the separated resin, whether crude or purified, obtained from cannabis; or (b) a material, preparation, mixture, compound or other substance which contains more than three-tenths of one percent by weight or by volume of delta-9 tetrahydrocannabinol, or its isomer, delta-8 dibenzopyran numbering system, or delta-1 tetrahydrocannabinol or its isomer, delta 1 (6) monoterpene numbering system or which exceeds an amount of delta-9 tetrahydrocannabinol or its isomer, delta 1 (6) monoterpene numbering system per serving or per product determined by the commissioner.

3. "Cannabis cultivation" means the planting, growing, cloning, harvesting, drying, curing, grading and/or trimming of cannabis, or such other cultivation related processes as determined by the commissioner.

4. "Adult-use cannabis" means any cannabis, concentrated cannabis, or cannabis-infused or extracted products, or products which otherwise contain or are derived from cannabis, and which have been authorized

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

LBD04092-01-3

pursuant to the laws of this state for distribution to and for lawful use by persons twenty-one years of age or older.

5. "Medical cannabis" means cannabis intended and approved for a certified medical use, as determined by the commissioner of health.

6. "Cannabis grower" means any person, partnership, limited liability company, corporation, joint venture, association, or other entity or organization authorized or licensed pursuant to the laws of this state to engage in the business of cannabis cultivation for the sale and/or distribution of adult-use cannabis and/or medical cannabis.

7. "Lighting power density" or "LPD" means a screening measure that represents the load of any lighting equipment in any defined area, as calculated by the watts needed per square foot for the intended use of such lighting equipment.

8. "Photosynthetic photon efficacy" or "PPE" means a measure for comparing the efficiency of different manufacturers' lighting fixtures, as expressed by micromoles per joule.

9. "HVAC" means a heating, ventilation, and/or air conditioning system used for indoor temperature and ventilation management.

10. "Ductless split HVAC unit" shall mean a ductless HVAC unit that includes at least one outdoor and one indoor unit connected by refrigerant tubing and electrical wiring.

11. "Variable refrigerant flow HVAC unit" shall mean an HVAC unit or system that uses refrigerant as its cooling and heating medium and allows for varying degrees of cooling or heating in different areas, thus reducing energy consumption.

12. "Automated watering system" shall mean a watering system with minimum manual intervention, other than surveillance, including, but not be limited to drip irrigation or flood tables.

13. "Watering event" shall mean a single event where a cannabis grower waters all or a portion of cannabis crops being grown by such cannabis grower.

§ 531. Cannabis grower energy efficiency. 1. (a) Any applicant for a license to operate as a cannabis grower under the laws of this state shall submit to the commissioner a cannabis grower energy efficiency plan in accordance with the provisions of this subdivision.

(b) A cannabis grower energy efficiency plan submitted pursuant to paragraph (2) of this subdivision shall contain the following:

(i) The applicant's expected energy needs to operate as a cannabis grower, including estimates of monthly electricity and gas usage, to what extent such applicant expects to procure energy from a local utility or from on-site generation, and whether such applicant intends to adopt a sustainable energy use and energy conservation policy;

(ii) The applicant's expected water needs, including estimated water draw, and whether such applicant intends to adopt a sustainable water use and water conservation policy;

(iii) The applicant's expected waste management needs, including whether such applicant intends to adopt a waste reduction policy; and

(iv) A description of the applicant's plan for compliance with the provisions of subdivision two of this section.

2. Any cannabis grower licensed or otherwise authorized to operate as such under the laws of this state shall comply with the following resource efficiency requirements:

(a) (i) The lighting power densities for space used for cannabis cultivation shall not exceed an average of thirty-six watts per gross square inch of such space; or

(ii) All installed lighting equipment shall meet a photosynthetic photon efficacy of no less than 2.2 micromoles per joule fixture and shall have been featured on the Design Lights Consortium's Horticultural Specification Qualified Products List. In the event that the Design Lights Consortium's requirement for minimum efficacy is changed to exceed 2.2 micromoles per joule fixture, compliance with such new minimum PPE shall satisfy the requirements of this subparagraph.

(b) (i) High-efficiency ductless split HVAC units shall be used by any cannabis grower operating in a space of less than six thousand square feet; and

(ii) Variable refrigerant flow HVAC units shall be used by any cannabis grower operating in a space of six thousand square feet or greater.

(c) (i) Automated watering systems shall be used to irrigate cannabis crops.

(ii) A cannabis grower shall measure water runoff from each cannabis crop watering event, and shall maintain an average of less than twenty percent water runoff across all cannabis crop watering events.

(d) HVAC condensate, dehumidification water, excess water runoff from watering events, and other wastewater produced during the cannabis cultivation process shall be captured and filtered to the best of the cannabis grower's ability to achieve the quality needed to be reused in subsequent watering events.

§ 2. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.