STATE OF NEW YORK

4910

2023-2024 Regular Sessions

IN SENATE

February 17, 2023

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the cannabis law, in relation to cannabinoid hemp retail sales and retailers

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

Section 1. Subdivisions 52 and 53 of section 3 of the cannabis law are amended to read as follows:

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

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

§ 2. The opening paragraph and subdivision 13 of section 91 of the cannabis law is amended to read as follows:

The board**, without infringing on licensed retailers,** may make regulations pursuant to this article for the processing, distribution, marketing, transportation and sale of cannabinoid hemp and hemp extracts used for human consumption, which may include, but not be limited to:

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

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

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

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2. The board may, by rules and regulations, require processors to establish a code, including, but not limited to QR code, for labels and establish methods and procedures for determining, among other things, serving sizes or dosages for cannabinoid hemp, hemp extract and products derived therefrom, active cannabinoid concentration per serving size, number of servings per container, and the growing region, state or country of origin if not from the United States. Such rules and regulations may require an appropriate fact panel that incorporates data regarding serving sizes and potency thereof**; provided, however, and notwithstanding any statute, rule, or regulation to the contrary, all hemp-derived cannabinoid products shall meet the following labeling requirements:**

(a) a nutrition label with serving size;

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

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

(d) the address of the manufacturer or distributor.

§ 4. This act shall take effect immediately.