STATE OF NEW YORK

5887

2023-2024 Regular Sessions

IN SENATE

March 21, 2023

Introduced by Sen. FERNANDEZ -- 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 prohibiting new cannabis dispensaries from opening up within a certain distance from other licensed cannabis dispensaries

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

Section 1. Section 72 of the cannabis law is amended by adding a new subdivision 7 to read as follows:

7. (a) No cannabis retail licensee applicant shall submit an application to locate a storefront in a city, town or village having a population of twenty thousand or more within five hundred feet of an existing premises licensed and operating pursuant to this article or article three of this chapter.

(b) The measurement in paragraph (a) of this subdivision shall be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such premises licensed and operating pursuant to this article or article three of this chapter.

(c) Notwithstanding the provisions of paragraph (a) of this subdivision, the cannabis control board may issue a license pursuant to this section for a premises which shall be within five hundred feet of an existing premises licensed and operating pursuant to this article or article three of this chapter if, after consultation with the cannabis control board, such board determines that granting such license would be in the public interest. Before it may issue any such license, the cannabis control board shall conduct a hearing, upon notice to the applicant and the municipality or community board where the proposed premises is located and shall state and file in its office its reasons therefor. Notice to the municipality or community board shall mean written notice

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

LBD10314-02-3

mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the cannabis control board, any municipality or community board may waive the fifteen day notice requirement. The hearing may be rescheduled, adjourned or continued, and the cannabis control board shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the cannabis control board issues any said license, the cannabis control board may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the cannabis control board shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein a premises is licensed and operating pursuant to this article or article three of this chapter.

§ 2. This act shall take effect immediately.