

STATE OF NEW YORK

7295

2023-2024 Regular Sessions

IN SENATE

May 19, 2023

Introduced by Sen. HINCHEY -- 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 authorizing conditional adult-use cultivator and processor licensees to sell tested, packaged, and sealed cannabis products and cannabis to a cannabis dispensing facility licensed by a tribal nation for retail sale

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

1 Section 1. This act shall be known and may be cited as the "cannabis
2 crop rescue act".

3 § 2. Legislative findings. Chapter 18 of the laws of 2022 created the
4 conditional adult-use cultivator license. Due to a variety of circum-
5 stances beyond the control of New York's cannabis farmers, many licen-
6 sees cannot afford to process their cannabis or sell their finished
7 products. As a result, their 2022 crops are losing value while in stor-
8 age due to diminished potency, color and aroma. Without sales, many are
9 unable to plant a crop for the upcoming growing season, and are in
10 severe financial stress.

11 § 3. Section 68-c of the cannabis law is amended by adding a new
12 subdivision 16 to read as follows:

13 16. Notwithstanding any other provision of this chapter, a condi-
14 tional adult-use cultivator or processor licensee shall be authorized to
15 sell tested, packaged, and sealed cannabis products or cannabis grown
16 during the two thousand twenty-two growing season, to a cannabis
17 dispensing facility licensed by a tribal nation for retail sale. Nothing
18 in this subdivision shall be construed to alter, modify, abrogate, or
19 otherwise impede or interfere with such tribal nation's sovereign
20 authority to license, sell, cultivate, process, manufacture, distribute,
21 deliver, or transport cannabis product on or among its territories. Any
22 product sold by a conditional-use cultivator or processor licensee shall

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

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1 be subject to the provisions of article twenty-C of the tax law; and
2 provided, further, that the licensee shall bear the cost of all such
3 taxes imposed by such article and shall remit such taxes to the depart-
4 ment of taxation and finance. The office is authorized to issue emer-
5 gency regulations, if necessary, to implement this subdivision.

6 § 4. A conditional adult-use cultivator licensee may select to operate
7 under subdivision 16 of section 68-c of the cannabis law until December
8 31, 2023.

9 § 5. This act shall take effect immediately; provided, however, that
10 the amendments to section 68-c of the cannabis law made by section three
11 of this act shall not affect the repeal of such section and shall be
12 deemed repealed therewith.