STATE OF NEW YORK

2434

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

Introduced by M. of A. BYRNES, BRABENEC, DeSTEFANO, SAYEGH, TAGUE -- read once and referred to the Committee on Economic Development

AN ACT to amend the cannabis law, in relation to allowing municipalities to regulate public places where cannabis can be consumed

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

Section 1. Section 131 of the cannabis law is amended to read as follows:

§ 131. Local opt-out; municipal control and preemption. 1. **(a)** The licensure and establishment of a retail dispensary license and/or on-site consumption license under the provisions of article four of this chapter authorizing the retail sale of adult-use cannabis to cannabis consumers shall not be applicable to a town, city or village which, after the effective date of this chapter, and, on or before the later of December thirty-first, two thousand twenty-one or nine months after the effective date of this section, adopts a local law, subject to permissive referendum governed by section twenty-four of the municipal home rule law, requesting the cannabis control board to prohibit the establishment of such retail dispensary licenses and/or on-site consumption licenses contained in article four of this chapter, within the jurisdiction of the town, city or village. Provided, however, that any town law shall apply to the area of the town outside of any village within such town. No local law may be adopted after the later of December thirty-first, two thousand twenty-one or nine months after the effective date of this section prohibiting the establishment of retail dispensary licenses and/or on-site consumption licenses; provided, however, that a local law repealing such prohibition may be adopted after such date.

[~~2.~~] **(b)** Except as provided for in [~~subdivision one~~] **paragraph (a)** of this [~~section~~] **subdivision**, all county, town, city and village governing bodies are hereby preempted from adopting any law, rule, ordinance, regulation or prohibition pertaining to the operation or licensure of

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

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registered organizations, adult-use cannabis licenses or cannabinoid hemp licenses. However, towns, cities and villages may pass local laws and regulations governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption site, provided such law or regulation does not make the operation of such licensed retail dispensaries or on-site consumption sites unreasonably impracticable as determined by the board.

2. Any county, town, city or village may adopt a local law, rule, ordinance, regulation or prohibition regarding public places where adult-use cannabis may be consumed within such county, town, city or village.

§ 2. This act shall take effect immediately.