

# STATE OF NEW YORK

3947

2023-2024 Regular Sessions

## IN ASSEMBLY

February 8, 2023

Introduced by M. of A. FAHY, LUPARDO, GLICK, SIMON, DICKENS -- read once  
and referred to the Committee on Economic Development

AN ACT to amend the cannabis law, in relation to the packaging of cannabis and hemp products

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

1 Section 1. Section 81 of the cannabis law is amended by adding a new  
2 subdivision 2-a to read as follows:

3 2-a. Such rules and regulations shall include requiring the board to  
4 develop strategic plans detailing the primary use of industrial hemp for  
5 packaging and labeling requirements to be used prior to the retail sale  
6 of any cannabis or cannabis product to a cannabis consumer, in accord-  
7 ance with this chapter. For the purposes of this section, the term  
8 "industrial hemp" means the plant Cannabis sativa L. and any part of  
9 such plant, whether growing or not, with a delta-9  
10 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry  
11 weight basis.

12 § 2. The cannabis law is amended by adding a new section 103-a to read  
13 as follows:

14 § 103-a. Sustainable cannabis packaging; incubator program. 1. The  
15 board, in coordination with the empire state development corporation,  
16 and after receiving input from other relevant stakeholders, shall estab-  
17 lish and implement a sustainable cannabis packaging incubator program to  
18 encourage the use and development of sustainable cannabis packaging  
19 materials for use in the adult-use cannabis industry.

20 2. Such program participants shall develop compostable and biodegrada-  
21 ble cannabis packaging materials and shall prioritize the use of indus-  
22 trial hemp for the creation of such packaging materials. Such composta-  
23 ble and biodegradable cannabis packaging materials produced through the  
24 incubator program shall be no less than thirty percent hemp.

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

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1     3. All participants in such program shall be required to purchase hemp  
2 products from either: (a) a New York state resident or business enter-  
3 prise, including a sole proprietorship, partnership, limited liability  
4 company or corporation, that meets the small farm classification devel-  
5 oped by the Economic Research Service of the United States Department of  
6 Agriculture, has filed a schedule F with farm receipts for the last  
7 three years, qualifies for an agriculture assessment and meets other  
8 qualifications defined in regulation by the board to demonstrate that  
9 they operate a farm operation, as defined in section three hundred one  
10 of the agriculture and markets law; or (b) a New York state resident or  
11 business enterprise, including a sole proprietorship, partnership,  
12 limited liability company or corporation, that is a small farm operator.

13     4. The board shall promulgate guidelines, rules and regulations as it  
14 may deem necessary to fully effectuate the provisions of this section.

15     5. The board shall allocate available funds to administer the program  
16 created pursuant to subdivision one of this section.

17     § 3. This act shall take effect on the one hundred twentieth day after  
18 it shall have become a law.