STATE OF NEW YORK

4618--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 17, 2023

Introduced by M. of A. PEOPLES-STOKES, LUPARDO -- read once and referred to the Committee on Codes -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the cannabis law, the penal law, and the criminal procedure law, in relation to unlawful possession and sale of cannabis

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

Section 1. The opening paragraph of subdivision 4 of section 132 of the cannabis law is amended to read as follows:

Any person under the age of twenty-one found to be in possession of **three ounces or less of** cannabis or cannabis products who is not a certified patient pursuant to article three of this chapter shall be in violation of this chapter and shall be subject to the following penalty:

§ 2. Paragraph (d) of subdivision 3 of section 222.05 of the penal law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

(d) the possession of multiple containers of cannabis **or concentrated cannabis** without evidence of [~~concentrated cannabis~~] **possession** in **more than** the amounts authorized in this article;

§ 3. Subdivision 2 of section 222.50 of the penal law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

2. being twenty-one years of age or older, he or she knowingly and unlawfully sells or gives, or causes to be given or sold, cannabis or concentrated cannabis to [~~a~~] **another** person **and that person is** less than twenty-one years of age; except that in any prosecution under this subdivision, it is a defense that the defendant was less than three years older than the person under the age of twenty-one at the time of the offense. This subdivision shall not apply to designated caregivers, practitioners, employees of a registered organization or employees of a

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

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designated caregiver facility acting in compliance with article three of the cannabis law.

§ 4. Subparagraph (ii) of paragraph (b) of subdivision 2 of section 440.46-a of the criminal procedure law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

(ii) If the petition meets the criteria in subparagraph [~~(i)~~] **(ii)** of paragraph (a) of this subdivision, the court after affording the parties an opportunity to be heard and present evidence, may substitute, unless it is not in the interests of justice to do so, a conviction for an appropriate lesser offense under article two hundred twenty-two of the penal law.

§ 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2021.