

STATE OF NEW YORK

6094

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. J. A. GIGLIO, BARCLAY -- read once and referred to the Committee on Economic Development

AN ACT to amend the cannabis law, in relation to warnings on retail packaging of adult-use cannabis products; and to amend the penal law, in relation to criminalizing certain violations of restrictions on the sale of adult-use cannabis

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

1 Section 1. Subdivisions 2, 3 and 7 of section 81 of the cannabis law
2 are amended to read as follows:

3 2. Such regulations shall include, but not be limited to, requiring
4 that:

5 (a) packaging meets or exceeds requirements similar to the federal
6 "poison prevention packaging act of 1970," 15 U.S.C. Sec 1471 et seq.;

7 (b) prior to delivery or sale at a retailer, cannabis and cannabis
8 products shall be labeled according to regulations and placed in a
9 resealable, child-resistant package accompanied by conspicuous warnings
10 in large, bold-face, legible, unobscured, and visible font contained
11 either on the retail packaging, or if a marketing layer is used, the
12 marketing layer; and the majority of said package shall depict that it
13 is a cannabis product, including unconventional methods of adminis-
14 tration or ingestion or edible consumption of cannabis products; and

15 (c) packages, labels, shapes and products shall not be made to be
16 attractive to or target persons under the age of twenty-one.

17 3. Such regulations shall include requiring labels warning consumers
18 of any potential impact on human health resulting from the consumption
19 of cannabis products that shall be affixed to those products when sold,
20 if such labels are deemed warranted by the board and may establish
21 standardized and/or uniform packaging and labeling requirements for
22 adult-use products. All labels shall be required to warn consumers to

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

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1 keep said cannabis products out of reach of children and that they are
2 for use by persons twenty-one years of age and older.

3 7. The packaging, sale, marketing, branding, advertising, labeling or
4 possession by any licensee of any cannabis product not labeled or
5 offered in conformity with rules and regulations promulgated in accord-
6 ance with this section shall be grounds for criminal prosecution as
7 provided in article two hundred twenty-two of the penal law, in addition
8 to the imposition of a fine, and/or the suspension, revocation or
9 cancellation of a license in accordance with the provisions of this
10 chapter.

11 § 2. Section 222.60 of the penal law, as added by chapter 92 of the
12 laws of 2021, is amended to read as follows:

13 § 222.60 Criminal sale of cannabis in the first degree.

14 A person is guilty of criminal sale of cannabis in the first degree
15 when he or she knowingly and unlawfully sells more than five pounds of
16 cannabis or more than two pounds of concentrated cannabis, or adver-
17 tises, deceptively advertises, brands, markets, packages, displays,
18 labels, offers for ingestion outside of packaging, or administers canna-
19 bis products, including unconventional methods of administration or
20 ingestion or edible consumption of cannabis products, in contravention
21 of section eighty-one of the cannabis law or rules and regulations
22 promulgated by the New York State Cannabis Control Board or Office of
23 Cannabis Management.

24 Criminal sale of cannabis in the first degree is a class D felony.

25 § 3. This act shall take effect immediately.