STATE OF NEW YORK

9689

IN ASSEMBLY

April 3, 2024

Introduced by M. of A. SLATER -- read once and referred to the Committee on Economic Development

AN ACT to amend the cannabis law, in relation to permitting any police officer to enforce licensure requirements of retail dispensaries by closing retail locations which sell cannabis without a license; allows seizure of the instrumentality of the unlawful sales, including real estate

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

Section 1. Subdivision 8 of section 132 of the cannabis law, as added by section 17 of part UU of chapter 56 of the laws of 2023, is amended to read as follows:

8. Any person who knowingly and unlawfully sells, gives, or causes to be sold or given, **in connection with the operation of a business or at the business location,** any cannabis or cannabis products for which the sale of such products requires a license, permit, or registration under this chapter where such person owns and/or is principally responsible for the operation of a business where such products were sold, given, or caused to be sold or given without having obtained a valid license, permit or registration therefor shall be guilty of a class A misdemeanor. **Any police officer shall have the authority to: order the immediate closure of any business which is found to have violated the provisions of this section, or of any business where a violation of this section or any other violation exists that poses an immediate threat to public health and safety; and to seize any merchandise related to such violation or violations including cannabis, cannabis related products, tobacco, tobacco related products and any proceeds relating thereto pursuant to the provisions of title W of part four of the penal law. For the purposes of this subdivision, an "immediate threat to public health and safety" shall include, but is not limited to: the presence of any cannabis or cannabis products in connection with a violation of this section; the presence of any cigarette or tobacco products in connection with a violation of section eighteen hundred fourteen of the tax law; the presence of any schedule I substance as defined by section thirty-**

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

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three hundred six of the public health law; or a violation of article thirteen-F of the public health law, including the presence of a substance or product whose sale is prohibited under such article. For the purposes of this section, "operation of a business" shall mean engaging in the sale of, or otherwise offering for sale, goods and services to the general public, including through indirect retail sales.

§ 2. This act shall take effect immediately.