

STATE OF NEW YORK

9834

IN ASSEMBLY

April 11, 2024

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

AN ACT to amend the cannabis law, in relation to prohibiting any person or applicant from receiving a license from the office of cannabis management in certain circumstances

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

1 Section 1. Section 16 of the cannabis law is amended by adding a new
2 subdivision 7 to read as follows:

3 7. The board or the office shall deem any applicant, as defined in
4 subdivision one of section three of this chapter, who is found in
5 violation of subdivision five of section one hundred thirty-six of this
6 chapter, to be ineligible to receive a license as defined in subdivision
7 thirty-one of section three of this chapter.

8 § 2. The opening paragraph of paragraph (a) of subdivision 1 of
9 section 132 of the cannabis law, as amended by section 17 of part UU of
10 chapter 56 of the laws of 2023, is amended to read as follows:

11 Any person or applicant as defined in subdivision one of section three
12 of this chapter who cultivates for sale or sells cannabis, cannabis
13 products, medical cannabis, or any product marketed or labeled as such,
14 without having an appropriate registration, license or permit therefor,
15 including a person whose registration, license, or permit has been
16 revoked, surrendered or cancelled, where such person is engaging in
17 activity for which a license would be required under this chapter, may
18 be subject to a civil penalty of not more than ten thousand dollars for
19 each day during which such violation continues, shall be deemed ineligi-
20 ble to receive or renew a license as defined in subdivision thirty-one
21 of section three of this chapter, and an additional civil penalty in an
22 amount of no more than five times the revenue from such prohibited sales
23 or, in an amount of no more than three times the projected revenue for
24 any such product found in the possession of such person based on the
25 retail list price of such products; provided, however, that any such
26 person who engages in such activity from a residence or other real prop-
27 erty not otherwise held out as open to the public or otherwise being

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

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1 utilized in a business or commercial manner or any private vehicle on or
2 about same such property, and the quantity of such product on such prem-
3 ises or vehicle does not exceed the limits of personal use under article
4 two hundred twenty-two of the penal law, may be subject to a civil
5 penalty of no more than five thousand dollars.

6 § 3. Subdivisions 4 and 5 of section 138-a of the cannabis law, as
7 amended by section 20 of part UU of chapter 56 of the laws of 2023, are
8 amended and a new subdivision 6 is added to read as follows:

9 4. seek injunctive relief against any person engaging in conduct in
10 violation of this section; ~~and~~

11 5. request that the attorney general obtain judicial enforcement of an
12 order issued under subdivision one of this section or bring an action or
13 proceeding for any relief otherwise authorized under this chapter for a
14 violation of this chapter, including the recovery of any applicable
15 civil penalties~~[-]; and~~

16 6. refuse to grant or renew a license as defined in subdivision thir-
17 ty-one of section three of this chapter when a person or applicant is
18 found in violation of subdivision seven of section sixteen of this chap-
19 ter or the opening paragraph of subdivision one of section one hundred
20 thirty-two of this article or any other provisions of article six of
21 this chapter.

22 § 4. This act shall take effect immediately.