

STATE OF NEW YORK

1751

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sens. HINCHEY, COONEY -- read twice and ordered printed,
and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to cannabis
grower energy efficiency

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 article 29-A to read as follows:

ARTICLE 29-A

GROWTH OF CANNABIS

Section 530. Definitions.

531. Cannabis grower energy efficiency.

7 § 530. Definitions. As used in this article, the following terms shall
8 have the following meanings:

9 1. "Cannabis" means all or parts of the plant of the genus cannabis.

10 2. "Concentrated cannabis" means: (a) the separated resin, whether
11 crude or purified, obtained from cannabis; or (b) a material, prepara-
12 tion, mixture, compound or other substance which contains more than
13 three-tenths of one percent by weight or by volume of delta-9 tetrahy-
14 drocannabinol, or its isomer, delta-8 dibenzopyran numbering system, or
15 delta-1 tetrahydrocannabinol or its isomer, delta 1 (6) monoterpene
16 numbering system or which exceeds an amount of delta-9 tetrahydrocanna-
17 binol or its isomer, delta 1 (6) monoterpene numbering system per serv-
18 ing or per product determined by the commissioner.

19 3. "Cannabis cultivation" means the planting, growing, cloning,
20 harvesting, drying, curing, grading and/or trimming of cannabis, or such
21 other cultivation related processes as determined by the commissioner.

22 4. "Adult-use cannabis" means any cannabis, concentrated cannabis, or
23 cannabis-infused or extracted products, or products which otherwise
24 contain or are derived from cannabis, and which have been authorized

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

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1 pursuant to the laws of this state for distribution to and for lawful
2 use by persons twenty-one years of age or older.

3 5. "Medical cannabis" means cannabis intended and approved for a
4 certified medical use, as determined by the commissioner of health.

5 6. "Cannabis grower" means any person, partnership, limited liability
6 company, corporation, joint venture, association, or other entity or
7 organization authorized or licensed pursuant to the laws of this state
8 to engage in the business of cannabis cultivation for the sale and/or
9 distribution of adult-use cannabis and/or medical cannabis.

10 7. "Lighting power density" or "LPD" means a screening measure that
11 represents the load of any lighting equipment in any defined area, as
12 calculated by the watts needed per square foot for the intended use of
13 such lighting equipment.

14 8. "Photosynthetic photon efficacy" or "PPE" means a measure for
15 comparing the efficiency of different manufacturers' lighting fixtures,
16 as expressed by micromoles per joule.

17 9. "HVAC" means a heating, ventilation, and/or air conditioning system
18 used for indoor temperature and ventilation management.

19 10. "Ductless split HVAC unit" shall mean a ductless HVAC unit that
20 includes at least one outdoor and one indoor unit connected by refriger-
21 ant tubing and electrical wiring.

22 11. "Variable refrigerant flow HVAC unit" shall mean an HVAC unit or
23 system that uses refrigerant as its cooling and heating medium and
24 allows for varying degrees of cooling or heating in different areas,
25 thus reducing energy consumption.

26 12. "Automated watering system" shall mean a watering system with
27 minimum manual intervention, other than surveillance, including, but not
28 be limited to drip irrigation or flood tables.

29 13. "Watering event" shall mean a single event where a cannabis grower
30 waters all or a portion of cannabis crops being grown by such cannabis
31 grower.

32 § 531. Cannabis grower energy efficiency. 1. (a) Any applicant for a
33 license to operate as a cannabis grower under the laws of this state
34 shall submit to the commissioner a cannabis grower energy efficiency
35 plan in accordance with the provisions of this subdivision.

36 (b) A cannabis grower energy efficiency plan submitted pursuant to
37 paragraph (2) of this subdivision shall contain the following:

38 (i) The applicant's expected energy needs to operate as a cannabis
39 grower, including estimates of monthly electricity and gas usage, to
40 what extent such applicant expects to procure energy from a local utili-
41 ty or from on-site generation, and whether such applicant intends to
42 adopt a sustainable energy use and energy conservation policy;

43 (ii) The applicant's expected water needs, including estimated water
44 draw, and whether such applicant intends to adopt a sustainable water
45 use and water conservation policy;

46 (iii) The applicant's expected waste management needs, including
47 whether such applicant intends to adopt a waste reduction policy; and

48 (iv) A description of the applicant's plan for compliance with the
49 provisions of subdivision two of this section.

50 2. Any cannabis grower licensed or otherwise authorized to operate as
51 such under the laws of this state shall comply with the following
52 resource efficiency requirements:

53 (a) (i) The lighting power densities for space used for cannabis
54 cultivation shall not exceed an average of thirty-six watts per gross
55 square inch of such space; or

1 (ii) All installed lighting equipment shall meet a photosynthetic
2 photon efficacy of no less than 2.2 micromoles per joule fixture and
3 shall have been featured on the Design Lights Consortium's Horticultural
4 Specification Qualified Products List. In the event that the Design
5 Lights Consortium's requirement for minimum efficacy is changed to
6 exceed 2.2 micromoles per joule fixture, compliance with such new mini-
7 mum PPE shall satisfy the requirements of this subparagraph.

8 (b) (i) High-efficiency ductless split HVAC units shall be used by any
9 cannabis grower operating in a space of less than six thousand square
10 feet; and

11 (ii) Variable refrigerant flow HVAC units shall be used by any canna-
12 bis grower operating in a space of six thousand square feet or greater.

13 (c) (i) Automated watering systems shall be used to irrigate cannabis
14 crops.

15 (ii) A cannabis grower shall measure water runoff from each cannabis
16 crop watering event, and shall maintain an average of less than twenty
17 percent water runoff across all cannabis crop watering events.

18 (d) HVAC condensate, dehumidification water, excess water runoff from
19 watering events, and other wastewater produced during the cannabis
20 cultivation process shall be captured and filtered to the best of the
21 cannabis grower's ability to achieve the quality needed to be reused in
22 subsequent watering events.

23 § 2. This act shall take effect on the first of January next succeed-
24 ing the date upon which it shall have become a law. Effective immediate-
25 ly, the addition, amendment and/or repeal of any rule or regulation
26 necessary for the implementation of this act on its effective date are
27 authorized to be made and completed on or before such effective date.