STATE OF NEW YORK

2772

2023-2024 Regular Sessions

IN SENATE

January 24, 2023

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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. The first undesignated paragraph of section 222.25 of the penal law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

A person is guilty of unlawful possession of cannabis when he or she knowingly and unlawfully possesses **one or more preparations, compounds, mixtures or substances containing** cannabis and [~~such cannabis weighs~~] **said preparations, compounds, mixtures or substances are of an aggregate weight of** more than three ounces or concentrated cannabis and such concentrated cannabis [~~weighs~~] **has an aggregate weight of** more than twenty-four grams.

§ 4. Subdivisions 1 and 2 of section 222.30 of the penal law, as added by chapter 92 of the laws of 2021, are amended to read as follows:

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

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1. one or more preparations, compounds, mixtures or substances containing cannabis and [~~such cannabis weighs~~] said preparations, compounds, mixtures or substances are of an aggregate weight of more than sixteen ounces; or

2. concentrated cannabis and such concentrated cannabis [~~weighs~~] has an aggregate weight of more than five ounces.

§ 5. Subdivisions 1 and 2 of section 222.35 of the penal law, as added by chapter 92 of the laws of 2021, are amended to read as follows:

1. one or more preparations, compounds, mixtures or substances containing cannabis and [~~such cannabis weighs~~] said preparations, compounds, mixtures or substances are of an aggregate weight of more than five pounds; or

2. concentrated cannabis and such concentrated cannabis [~~weighs~~] has an aggregate weight of more than two pounds.

§ 6. Subdivisions 1 and 2 of section 222.40 of the penal law, as added by chapter 92 of the laws of 2021, are amended to read as follows:

1. one or more preparations, compounds, mixtures or substances containing cannabis and [~~such cannabis weighs~~] said preparations, compounds, mixtures or substances are of an aggregate weight of more than ten pounds; or

2. concentrated cannabis and such concentrated cannabis [~~weighs~~] has an aggregate weight of more than four pounds.

§ 7. Subdivisions 1 and 2 of section 222.50 of the penal law, as added by chapter 92 of the laws of 2021, are amended to read as follows:

1. he or she knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing cannabis and said preparations, compounds, mixtures or substances are of an aggregate weight of more than three ounces [~~of cannabis~~] or concentrated cannabis with an aggregate weight of more than twenty-four grams [~~of concentrated cannabis~~]; or

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

§ 8. Subdivisions 1 and 2 of section 222.55 of the penal law, as added by chapter 92 of the laws of 2021, are amended to read as follows:

1. he or she knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing cannabis and said preparations, compounds, mixtures or substances are of an aggregate weight of more than sixteen ounces [~~of cannabis~~] or concentrated cannabis with an aggregate weight of more than five ounces [~~of concentrated cannabis~~]; or

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, one or more preparations, compounds, mixtures or substances containing cannabis and said preparations, compounds, mixtures or substances are of an aggregate weight of more than three ounces [~~of cannabis~~] or concentrated cannabis with an aggregate weight of more than twenty-four grams [~~of concentrated cannabis~~] to [~~a~~] another person and that person is less than eighteen years of age. This subdivision shall not apply to designated caregivers, practitioners, employees of a registered organization or employees of a

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

§ 9. The first undesignated paragraph of section 222.60 of the penal law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

A person is guilty of criminal sale of cannabis in the first degree when he or she knowingly and unlawfully sells **one or** more **preparations, compounds, mixtures or substances containing cannabis and said preparations, compounds, mixtures or substances are of an aggregate weight of more** than five pounds [~~**of cannabis**~~] or **concentrated cannabis with an aggregate weight of** more than two pounds [~~**of concentrated cannabis**~~].

§ 10. The first undesignated paragraph of section 222.65 of the penal law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

A person is guilty of aggravated criminal sale of cannabis when he or she knowingly and unlawfully sells **one or more preparations, compounds, mixtures or substances containing** cannabis [~~**or concentrated cannabis weighing**~~] **and said preparations, compounds, mixtures or substances are of an aggregate weight of** one hundred pounds or more **or concentrated cannabis with an aggregate weight of one hundred pounds or more**.

§ 11. 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.

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