

# STATE OF NEW YORK

5887

2023-2024 Regular Sessions

## IN SENATE

March 21, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the cannabis law, in relation to prohibiting new cannabis dispensaries from opening up within a certain distance from other licensed cannabis dispensaries

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

1 Section 1. Section 72 of the cannabis law is amended by adding a new  
2 subdivision 7 to read as follows:

3 7. (a) No cannabis retail licensee applicant shall submit an applica-  
4 tion to locate a storefront in a city, town or village having a popu-  
5 lation of twenty thousand or more within five hundred feet of an exist-  
6 ing premises licensed and operating pursuant to this article or article  
7 three of this chapter.

8 (b) The measurement in paragraph (a) of this subdivision shall be  
9 taken in straight lines from the center of the nearest entrance of the  
10 premises sought to be licensed to the center of the nearest entrance of  
11 such premises licensed and operating pursuant to this article or article  
12 three of this chapter.

13 (c) Notwithstanding the provisions of paragraph (a) of this subdivi-  
14 sion, the cannabis control board may issue a license pursuant to this  
15 section for a premises which shall be within five hundred feet of an  
16 existing premises licensed and operating pursuant to this article or  
17 article three of this chapter if, after consultation with the cannabis  
18 control board, such board determines that granting such license would be  
19 in the public interest. Before it may issue any such license, the canna-  
20 bis control board shall conduct a hearing, upon notice to the applicant  
21 and the municipality or community board where the proposed premises is  
22 located and shall state and file in its office its reasons therefor.  
23 Notice to the municipality or community board shall mean written notice

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

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1 mailed by the authority to such municipality or community board at least  
2 fifteen days in advance of any hearing scheduled pursuant to this para-  
3 graph. Upon the request of the cannabis control board, any municipality  
4 or community board may waive the fifteen day notice requirement. The  
5 hearing may be rescheduled, adjourned or continued, and the cannabis  
6 control board shall give notice to the applicant and the municipality or  
7 community board of any such rescheduled, adjourned or continued hearing.  
8 Before the cannabis control board issues any said license, the cannabis  
9 control board may, in addition to the hearing required by this para-  
10 graph, also conduct a public meeting regarding said license, upon notice  
11 to the applicant and the municipality or community board. The public  
12 meeting may be rescheduled, adjourned or continued, and the cannabis  
13 control board shall give notice to the applicant and the municipality or  
14 community board of any such rescheduled, adjourned or continued public  
15 meeting. No premises having been granted a license pursuant to this  
16 section shall be denied a renewal of such license upon the grounds that  
17 such premises are within five hundred feet of a building or buildings  
18 wherein a premises is licensed and operating pursuant to this article or  
19 article three of this chapter.

20 § 2. This act shall take effect immediately.