

# STATE OF NEW YORK

6073

2023-2024 Regular Sessions

## IN SENATE

March 28, 2023

Introduced by Sen. WEIK -- 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 excluding volunteer firefighters and emergency medical services employees from the permissive use of marijuana

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

1 Section 1. Section 3 of the cannabis law is amended by adding two new  
2 subdivisions 25-a and 25-b to read as follows:

3 25-a. "Exempt fire agency" means a fire department of a city, municipi-  
4 ality, village, town or other governmental subdivision that provides  
5 fire and emergency services or other safety sensitive tasks to provide  
6 public safety to a community.

7 25-b. "Exempt employee" means a volunteer firefighter or an emergency  
8 medical services employee of an exempt fire agency whose work responsi-  
9 bilities are tasks that impact the safety of a mitigation effort or the  
10 safety of other employees. Activities may include, but shall not be  
11 limited to, driving and operating fire apparatus, operating in imme-  
12 diately dangerous to life atmospheres, establishing and operating hose  
13 lines, performing all manner of rescue activities, and delivering emer-  
14 gency medical care to the sick or injured.

15 § 2. Section 127 of the cannabis law is amended by adding a new subdi-  
16 vision 7 to read as follows:

17 7. (a) For the purpose of assuring the safety of other volunteer fire-  
18 fighters and emergency medical services employees, the public and the  
19 protection of their greater community, this section shall not apply to  
20 an exempt employee of an exempted fire agency. Additionally, an exempt  
21 fire agency shall be entitled to take all reasonable measures to be  
22 assured there is no risk of cannabis impairment of its exempt employees,  
23 including but not limited to, preemployment testing, random drug tests

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

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1 and testing for cause for the presence of evidence of cannabis use by  
2 the member in accordance with current federal standards.

3 (b) Any exempt employee of an exempt fire agency that is prescribed  
4 cannabis for medical purposes shall be required to immediately report  
5 their prescription to the exempt fire agency who shall consult with the  
6 exempt fire agency's medical director to make a determination of the  
7 exempt employee's fitness for duty and a need to be placed on  
8 restriction.

9 § 3. This act shall take effect immediately.