

STATE OF NEW YORK

5341

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

Introduced by M. of A. ZACCARO, CRUZ -- read once and referred to the Committee on Economic Development

AN ACT to amend the cannabis law, the education law and the social services law, in relation to restricting cannabis storefronts from being located within a certain distance from child day care centers, public parks and playgrounds and specifying that cannabis storefronts shall be restricted from locating within a certain distance from schools, child day care centers and houses of worship located in a mixed use building

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

- 1 Section 1. Subdivision 6 of section 72 of the cannabis law is amended
2 to read as follows:
3 6. No cannabis retail licensee shall locate a storefront within five
4 hundred feet of [-] school grounds as such term is defined in the educa-
5 tion law, a child day care center as defined in paragraph (c) of subdivi-
6 vision one of section three hundred ninety of the social services law, a
7 public park or a playground, or within two hundred feet of a house of
8 worship. For purposes of this subdivision, a "house of worship" shall
9 include any area, including entrances and exits, in a mixed use building
10 which contains or is used as a house of worship.
11 § 2. Subdivision 4 of section 77 of the cannabis law is amended to
12 read as follows:
13 4. No applicant shall be granted an adult-use on-site consumption
14 license for any premises within five hundred feet of school grounds as
15 such term is defined in the education law, a child day care center as
16 defined in paragraph (c) of subdivision one of section three hundred
17 ninety of the social services law, a public park or a playground, or two
18 hundred feet from a house of worship. For purposes of this subdivision,
19 a "house of worship" shall include any area, including entrances and

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

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1 exits, in a mixed use building which contains or is used as a house of
2 worship.

3 § 3. Subdivision 2 of section 409 of the education law, as amended by
4 chapter 449 of the laws of 2012, is amended to read as follows:

5 2. Notwithstanding the provisions of any other law, rule or regu-
6 lation, tobacco use shall not be permitted and no person shall use
7 tobacco on school grounds. "School grounds" means any building, struc-
8 ture and surrounding outdoor grounds, including entrances or exits,
9 contained within a public or private pre-school, nursery school, elemen-
10 tary or secondary school's legally defined property boundaries as regis-
11 tered in a county clerk's office. "School grounds" shall also include
12 any area, including entrances or exits, in a mixed use building which
13 contains or is used as a public or private pre-school, nursery school,
14 elementary school, secondary school or charter school.

15 § 4. Paragraph (c) of subdivision 1 of section 390 of the social
16 services law, as added by chapter 750 of the laws of 1990, is amended to
17 read as follows:

18 (c) "Child day care center" shall mean any program or facility caring
19 for children for more than three hours per day per child in which child
20 day care is provided by a child day care provider except those programs
21 operating as a group family day care home as such term is defined in
22 paragraph (d) of this subdivision, a family day care home, as such term
23 is defined in paragraph (e) of this subdivision, and a school-age child
24 care program, as such term is defined in paragraph (f) of this subdivi-
25 sion. A "child day care center" shall include any area, including
26 entrances and exits, in a mixed use building which contains or is used
27 as a child day care center.

28 § 5. This act shall take effect immediately.