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:

Section 1. Subdivision 6 of section 72 of the cannabis law is amended to read as follows:

6. No cannabis retail licensee shall locate a storefront within five hundred feet of [~~a~~] school grounds as such term is defined in the education law**, a child day care center as defined in paragraph (c) of subdivision one of section three hundred ninety of the social services law, a public park or a playground,** or within two hundred feet of a house of worship. **For purposes of this subdivision, a "house of worship" shall include any area, including entrances and exits, in a mixed use building which contains or is used as a house of worship.**

§ 2. Subdivision 4 of section 77 of the cannabis law is amended to read as follows:

4. No applicant shall be granted an adult-use on-site consumption license for any premises within five hundred feet of school grounds as such term is defined in the education law**, a child day care center as defined in paragraph (c) of subdivision one of section three hundred ninety of the social services law, a public park or a playground,** or two hundred feet from a house of worship. **For purposes of this subdivision, 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.

LBD07008-03-5

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

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

2. Notwithstanding the provisions of any other law, rule or regulation, tobacco use shall not be permitted and no person shall use tobacco on school grounds. "School grounds" means any building, structure and surrounding outdoor grounds, including entrances or exits, contained within a public or private pre-school, nursery school, elementary or secondary school's legally defined property boundaries as registered in a county clerk's office. **"School grounds" shall also include any area, including entrances or exits, in a mixed use building which contains or is used as a public or private pre-school, nursery school, elementary school, secondary school or charter school.**

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

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

§ 5. This act shall take effect immediately.