STATE OF NEW YORK

1488

2025-2026 Regular Sessions

IN SENATE

January 10, 2025

Introduced by Sens. O'MARA, BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the cannabis law, in relation to including certain acts and subsequent penalties in the criminal sale of cannabis

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

Section 1. Section 222.50 of the penal law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

§ 222.50 Criminal sale of cannabis in the third degree.

A person is guilty of criminal sale of cannabis in the third degree when:

1. [~~he or she~~] **such person** knowingly and unlawfully sells more than three ounces of cannabis or more than twenty-four grams of concentrated cannabis; or

2. being twenty-one years of age or older, [~~he or she~~] **such person** knowingly and unlawfully sells or gives, or causes to be given or sold, cannabis or concentrated cannabis to a person 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[~~.~~]**; or**

3. any person, while employed or operating a commercial establishment, store, club, or facility, who knowingly and unlawfully sells, transfers, gifts or trades cannabis without an appropriate license or authority under the cannabis law. Any person convicted under this subdivision shall act to preclude such person from seeking, qualifying or receiving

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

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any permit, license or authority to perform any activities under the cannabis law.

Criminal sale of cannabis in the third degree is a class A misdemeanor.

§ 2. Section 222.55 of the penal law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

§ 222.55 Criminal sale of cannabis in the second degree.

A person is guilty of criminal sale of cannabis in the second degree when:

1. [~~he or she~~] such person knowingly and unlawfully sells more than sixteen ounces of cannabis or more than five ounces of concentrated cannabis; or

2. being twenty-one years of age or older, [~~he or she~~] such person knowingly and unlawfully sells or gives, or causes to be given or sold, more than three ounces of cannabis or more than twenty-four grams of concentrated cannabis to a person 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[~~.~~]; or

3. any person, while employed or operating a commercial establishment, store, club, or facility, who knowingly and unlawfully sells, transfers, gifts or trades cannabis without an appropriate license or authority under the cannabis law. Any person convicted under this subdivision shall act to preclude such person from seeking, qualifying or receiving any permit, license or authority to perform any activities under the cannabis law.

Criminal sale of cannabis in the second degree is a class E felony.

§ 3. Section 222.60 of the penal law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

§ 222.60 Criminal sale of cannabis in the first degree.

A person is guilty of criminal sale of cannabis in the first degree when [~~he or she~~]:

1. such person knowingly and unlawfully sells more than five pounds of cannabis or more than two pounds of concentrated cannabis; or

2. any person, while employed or operating a commercial establishment, store, club, or facility, who knowingly and unlawfully sells, transfers, gifts or trades cannabis without an appropriate license or authority under the cannabis law. Any person convicted under this subdivision shall act to preclude such person from seeking, qualifying or receiving any permit, license or authority to perform any activities under the cannabis law.

Criminal sale of cannabis in the first degree is a class D felony.

§ 4. Section 132 of the cannabis law is amended by adding a new subdivision 1-b to read as follows:

1-b. Any commercial establishment, store, club, or facility, that knowingly and unlawfully sells, transfers, gifts or trades any amount of cannabis without an appropriate license or authority under this chapter shall be subject to a civil penalty of not more than ten thousand dollars for a first violation; not more than twenty-five thousand dollars for a second violation; and not more than fifty thousand dollars for a third violation and each subsequent violation thereafter. The civil penalty shall be payable to the office of cannabis management, who shall be required to remit such payments to the county in which the violating establishment is located.

§ 5. This act shall take effect immediately.