

# 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 Assem-  
bly, do enact as follows:

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

3 § 222.50 Criminal sale of cannabis in the third degree.

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

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

9 2. being twenty-one years of age or older, [~~he or she~~] such person  
10 knowingly and unlawfully sells or gives, or causes to be given or sold,  
11 cannabis or concentrated cannabis to a person less than twenty-one years  
12 of age; except that in any prosecution under this subdivision, it is a  
13 defense that the defendant was less than three years older than the  
14 person under the age of twenty-one at the time of the offense. This  
15 subdivision shall not apply to designated caregivers, practitioners,  
16 employees of a registered organization or employees of a designated  
17 caregiver facility acting in compliance with article three of the canna-  
18 bis law[-]; or

19 3. any person, while employed or operating a commercial establishment,  
20 store, club, or facility, who knowingly and unlawfully sells, transfers,  
21 gifts or trades cannabis without an appropriate license or authority  
22 under the cannabis law. Any person convicted under this subdivision  
23 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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1 any permit, license or authority to perform any activities under the  
2 cannabis law.

3 Criminal sale of cannabis in the third degree is a class A misdemea-  
4 nor.

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

7 § 222.55 Criminal sale of cannabis in the second degree.

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

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

13 2. being twenty-one years of age or older, ~~[he or she]~~ such person  
14 knowingly and unlawfully sells or gives, or causes to be given or sold,  
15 more than three ounces of cannabis or more than twenty-four grams of  
16 concentrated cannabis to a person less than eighteen years of age. This  
17 subdivision shall not apply to designated caregivers, practitioners,  
18 employees of a registered organization or employees of a designated  
19 caregiver facility acting in compliance with article three of the canna-  
20 bis law~~[-]~~; or

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

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

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

31 § 222.60 Criminal sale of cannabis in the first degree.

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

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

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

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

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

46 1-b. Any commercial establishment, store, club, or facility, that  
47 knowingly and unlawfully sells, transfers, gifts or trades any amount of  
48 cannabis without an appropriate license or authority under this chapter  
49 shall be subject to a civil penalty of not more than ten thousand  
50 dollars for a first violation; not more than twenty-five thousand  
51 dollars for a second violation; and not more than fifty thousand dollars  
52 for a third violation and each subsequent violation thereafter. The  
53 civil penalty shall be payable to the office of cannabis management, who  
54 shall be required to remit such payments to the county in which the  
55 violating establishment is located.

56 § 5. This act shall take effect immediately.