STATE OF NEW YORK

3640

2025-2026 Regular Sessions

IN SENATE

January 29, 2025

Introduced by Sens. MURRAY, BORRELLO, OBERACKER, RHOADS -- 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 warnings on retail packaging of adult-use cannabis products; and to amend the penal law, in relation to criminalizing certain violations of restrictions on the sale of adult-use cannabis

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

Section 1. Subdivisions 2, 3 and 7 of section 81 of the cannabis law are amended to read as follows:

2. Such regulations shall include, but not be limited to, requiring that:

(a) packaging meets **or exceeds** requirements similar to the federal "poison prevention packaging act of 1970," 15 U.S.C. Sec 1471 et seq.;

(b) prior to delivery or sale at a retailer, cannabis and cannabis products shall be labeled according to regulations and placed in a resealable, child-resistant package **accompanied by conspicuous warnings in large, bold-face, legible, unobscured, and visible font contained either on the retail packaging, or if a marketing layer is used, the marketing layer; and the majority of said package shall depict that it is a cannabis product, including unconventional methods of administration or ingestion or edible consumption of cannabis products**; and

(c) packages, labels, shapes and products shall not be made to be attractive to or target persons under the age of twenty-one.

3. Such regulations shall include requiring labels warning consumers of any potential impact on human health resulting from the consumption of cannabis products that shall be affixed to those products when sold, if such labels are deemed warranted by the board and may establish standardized and/or uniform packaging and labeling requirements for adult-use products. **All labels shall be required to warn consumers to**

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

LBD04399-01-5

keep said cannabis products out of reach of children and that they are for use by persons twenty-one years of age and older.

7. The packaging, sale, marketing, branding, advertising, labeling or possession by any licensee of any cannabis product not labeled or offered in conformity with rules and regulations promulgated in accordance with this section shall be grounds for criminal prosecution as provided in article two hundred twenty-two of the penal law, in addition to the imposition of a fine, and/or the suspension, revocation or cancellation of a license in accordance with the provisions of this chapter.

§ 2. 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~~] such person knowingly and unlawfully sells more than five pounds of cannabis or more than two pounds of concentrated cannabis, or advertises, deceptively advertises, brands, markets, packages, displays, labels, offers for ingestion outside of packaging, or administers cannabis products, including unconventional methods of administration or ingestion or edible consumption of cannabis products, in contravention of section eighty-one of the cannabis law or rules and regulations promulgated by the New York State Cannabis Control Board or Office of Cannabis Management.

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

§ 3. This act shall take effect immediately.