STATE OF NEW YORK

8065

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to prohibiting the possession of an open container of cannabis, cannabis product, or cannabis paraphernalia in the passenger area of certain motor vehicles

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

Section 1. Subdivision 1 of section 1227 of the vehicle and traffic law, as amended by chapter 92 of the laws of 2021, is amended to read as follows:

1. The drinking of alcoholic beverages [~~or consumption of cannabis,~~] or the possession of an open container containing an alcoholic beverage[~~,~~] in a motor vehicle located upon the public highways or right-of-way public highway is prohibited. Any operator or passenger violating this section shall be guilty of a traffic infraction.

The provisions of this section shall not be deemed to prohibit the drinking of alcoholic beverages[~~, the consumption of cannabis by means other than burning,~~] or the possession of an open container containing an alcoholic beverage by passengers in passenger vehicles operated pursuant to a certificate or permit issued by the department of transportation or the United States department of transportation. Furthermore, the provisions of this section shall not be deemed to prohibit the possession of wine which is: (a) resealed in accordance with the provisions of subdivision four of section eighty-one of the alcoholic beverage control law; and (b) is transported in the vehicle's trunk or is transported behind the last upright seat or in an area not normally occupied by the driver or passenger in a motor vehicle that is not equipped with a trunk.

§ 2. The vehicle and traffic law is amended by adding a new section 1227-a to read as follows:

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

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§ 1227-a. Consumption or possession of cannabis in certain motor vehicles. 1. The consumption of cannabis or cannabis product or the possession of an open container containing cannabis or cannabis product in the passenger area of a motor vehicle located upon the public highways, right-of-way public highways, or upon any way or in any place to which the public has a right of access or upon any way or in any place to which members of the public have access as invitees or licensees is prohibited. Any operator or passenger violating this section shall be guilty of a traffic infraction.

The provisions of this section shall not be deemed to prohibit the consumption of cannabis or cannabis product by means other than burning, or the possession of an open container containing cannabis or cannabis product by passengers in passenger vehicles operated pursuant to a certificate or permit issued by the department of transportation or the United States department of transportation.

2. For the purposes of this section:

(a) "open container" shall mean that the package containing cannabis or cannabis products has its seal broken or from which the contents have been partially removed or consumed.

(b) "passenger area" shall mean the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in a seated position; provided however that the passenger area shall not include a motor vehicle's trunk, locked glove compartment or the living quarters of a house coach or house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.

(c) "passenger vehicle" shall mean a vehicle designed to carry ten or more passengers and used to carry passengers for profit or hire.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.