

STATE OF NEW YORK

8332

2025-2026 Regular Sessions

IN SENATE

June 3, 2025

Introduced by Sen. C. RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the cannabis law, in relation to enacting the "small cannabis farmer relief act"; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "small cannabis farmer relief act".

3 § 2. The cannabis law is amended by adding a new section 68-c to read
4 as follows:

5 § 68-c. Limited canopy expansion. 1. For the purposes of this section,
6 the following terms shall have the following meanings:

7 (a) "Canopy" or "cultivation canopy" shall mean an area to be calcu-
8 lated in square feet and measured using clearly identifiable boundaries
9 of all areas that will contain non-immature cannabis, including the
10 spaces within the boundaries. Canopy may be noncontiguous, but each
11 unique area included in the total canopy calculations shall be separated
12 by an identifiable boundary, including, but not limited to, interior
13 walls, shelves, greenhouse walls, hoop house walls, garden benches,
14 hedge rows, fencing, garden beds, or garden plots. Canopy does not
15 include areas used for seedling production, propagation of clones, main-
16 tenance of mother plants used for cloning, or nursery area.

17 (b) "Greenhouse" shall mean a structure or thermally isolated enclosed
18 area with rigid walls that maintains a specialized conditioned and
19 sunlit environment used for and essential to the cultivation,
20 protection, or maintenance of plants. A greenhouse may include addi-
21 tional artificial lighting and climate controls based on cultivation
22 techniques used.

23 (c) "Hoop house" shall mean specialized unconditioned agricultural
24 equipment having a framework covered with demountable non-rigid materi-

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

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1 als unsealed from the outdoor elements, which allows for penetration of
2 sunlight to cannabis plants, specifically designed, constructed, and
3 used for agricultural production. A hoop house may include up to twenty
4 artificial lights for the propagation of seedlings or clones. Such
5 lights shall meet photosynthetic photon efficacy requirements as deter-
6 mined by the office.

7 (d) "Immature cannabis plant" or "immature plant" shall mean a canna-
8 bis plant which does not have a flower or buds that may be observed by
9 visual examination.

10 (e) "Mother plant" shall mean an immature cannabis plant that is main-
11 tained in an immature state indefinitely and intended to be used for
12 propagation.

13 (f) "Nursery area" shall mean an area to be calculated in square feet
14 and measured using clearly identifiable boundaries of all areas that
15 will be used to produce clones, seedlings, immature cannabis plants,
16 cloned propagation material, tissue culture and cannabis seeds, includ-
17 ing the spaces within the boundaries. Provided that the primary purpose
18 of the area is to produce clones, seedlings, immature cannabis plants,
19 cloned propagation material, tissue culture or cannabis seeds, a nursery
20 area may also contain mature and immature cannabis plants. A nursery
21 area may be noncontiguous, but each unique area included in the total
22 area calculations shall be separated by an identifiable boundary,
23 including, but not limited to, interior walls, shelves, greenhouse
24 walls, hoop house walls, garden benches, hedge rows, fencing, garden
25 beds, or garden plots.

26 (g) "Photosynthetic photon efficacy" shall mean the measure of photon
27 output in micromoles per second divided by the watts needed to produce
28 the light.

29 2. (a) Notwithstanding any provision of law to the contrary, any
30 licensee who qualifies as a distressed farmer licensee and legally
31 cultivated cannabis during the two thousand twenty-two or two thousand
32 twenty-three calendar year shall be eligible to apply to expand their
33 canopy as provided in this subdivision.

34 (b) Such eligible licensees may apply to the office, in a form
35 prescribed by the office, to expand their canopy. Eligible licensees
36 making such an application to the office shall also submit to the
37 office, in a form prescribed by the office, verification of such
38 licensee's canopy cultivated in two thousand twenty-two or two thousand
39 twenty-three. Denials of applications made pursuant to this paragraph
40 may be appealed to the cannabis control board.

41 (c) Upon approval of such application, a licensee shall be authorized
42 to expand their cultivation canopy to up to twice the maximum square
43 footage cultivated in two thousand twenty-two or two thousand twenty-
44 three; provided, however, that (i) a licensee who cultivated up to twen-
45 ty-five thousand square feet of mixed light canopy in either two thou-
46 sand twenty-two or two thousand twenty-three may add an equivalent
47 amount of additional canopy to their licensed canopy pursuant to this
48 subdivision; and (ii) a licensee who cultivated up to one acre of
49 outdoor canopy in either two thousand twenty-two or two thousand twen-
50 ty-three may add an equivalent amount of additional canopy to their
51 licensed canopy pursuant to this subdivision; and provided, further,
52 however, that the expanded area of any licensee shall not exceed the
53 canopy maximum established by the office for such licensee's adult-use
54 cultivator license.

1 (d) No additional fees shall be assessed for canopy expansions author-
2 ized pursuant to this subdivision, including standard license renewal
3 fees.

4 (e) A microbusiness licensee who qualifies as a distressed farmer
5 licensee shall also be eligible to apply for canopy expansion pursuant
6 to this subdivision.

7 3. Notwithstanding any provisions of this section, no licensee shall
8 be authorized to expand their canopy beyond the canopy maximums estab-
9 lished by the office for such licensee's adult-use cultivator license.

10 4. Expansions made pursuant to this section shall remain subject to
11 compliance with all applicable environmental, security, and testing
12 regulations.

13 § 3. This act shall take effect immediately and shall expire on Decem-
14 ber 31, 2028, when upon such date the provisions of this act shall be
15 deemed repealed.