# STATE OF NEW YORK

10140

# IN ASSEMBLY

February 8, 2026

Introduced by M. of A. ZINERMAN, PEOPLES-STOKES, STIRPE, ALVAREZ -- (at request of the Office of Cannabis Management) -- read once and referred to the Committee on Economic Development

AN ACT to amend the cannabis law, in relation to the location of adult-use retail dispensaries near schools and houses of worship; and to repeal certain provisions of such law relating thereto

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

Section 1. Subdivision 6 of section 72 of the cannabis law is REPEALED and a new subdivision 6 is added to read as follows:

**6. (a) No premises with a license issued pursuant to this section, or section sixty-eight-a of this article, or section seventy-three of this article that allows for the retail sale of adult-use cannabis, shall be located on the same street and within five hundred feet of a building containing a school.**

**(b) No premises with a license issued pursuant to this section, or section sixty-eight-a of this article, or section seventy-three of this article that allows for the retail sale of adult-use cannabis, shall be located on the same street and within two hundred feet of a building exclusively occupied as a house of worship.**

**(c) The measurements in paragraphs (a) and (b) of this subdivision are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school or house of worship.**

**(d) For purposes of this subdivision: (i) The word "entrance" shall mean: (A) a door of a school regularly used to give ingress to students of the school; (B) a door of a house of worship regularly used to give ingress to the general public attending the house of worship; or (C) a door of the premises sought to be licensed regularly used to give ingress to customers of such premises.**

**(ii) A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance or delivery purposes, or which leads directly to a part of a building not regularly used by students of the school, the general public attending the house of**

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

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worship, or customers of the premises sought to be licensed, is not deemed an "entrance".

(iii) If the school, house of worship or premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare.

(e)(i) For purposes of paragraph (b) of this subdivision, a building occupied as a house of worship does not cease to be "exclusively" occupied as such by incidental uses that are not of a nature to detract from the predominant character of the building as a house of worship.

(ii) Such uses include, but are not limited to: (A) the conduct of legally authorized games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at the house of worship or for other not-for-profit organizations or groups; (B) use of the building for fund-raising performances by or benefitting the not-for-profit religious organization which conducts services at the house of worship or other not-for-profit organizations or groups; (C) the use of the building by other religious organizations or groups for religious services or other purposes; (D) the conduct of social activities by or for the benefit of the congregants of the house of worship; (E) the use of the building for meetings held by organizations or groups providing bereavement counseling to persons having suffered the loss of a loved one, or providing advice or support for conditions or diseases including, but not limited to, alcoholism, drug addiction, cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; (F) the use of the building for blood drives, health screenings, health information meetings, yoga classes, exercise classes or other activities intended to promote the health of the congregants or other persons; and (G) use of the building by non-congregant members of the community for private social functions.

(iii) The building occupied as a house of worship does not cease to be "exclusively" occupied as such where the not-for-profit religious organization occupying the house of worship accepts the payment of funds to defray costs related to another party's use of the building.

(f) No renewal of a license shall be denied because of the restrictions in paragraphs (a) or (b) of this subdivision.

(g) When evaluating an application for compliance with this subdivision, the proximity of the premises sought to be licensed to a school or house of worship shall be determined based on the date such applicant submits its location to the office.

§ 2. This act shall take effect immediately; provided that any license issued pursuant to section 68-a of the cannabis law, section 72 of the cannabis law, or a license issued pursuant to section 73 of the cannabis law that allows for the retail sale of adult use cannabis, issued prior to such effective date shall be deemed in compliance with the provisions of subdivision 6 of section 72 of the cannabis law as added by this act; and further provided that any application for a license issued pursuant to section 68-a of the cannabis law, section 72 of the cannabis law, or a license issued pursuant to section 73 of the cannabis law that allows for the retail sale of adult use cannabis, where such applicant was advised in writing by the office of cannabis management prior to such effective date that its location complied with the proximity standards with respect to schools and houses of worship, shall be subject to and reviewed for compliance with respect to proximity to schools and houses of worship using the procedures of the office of cannabis management

utilized prior to July 28, 2025, and all other applications of such licenses shall be subject to and reviewed for compliance under the provisions of subdivision 6 of section 72 of the cannabis law as added by this act.