

# 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:

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 Subdivision 6 of section 72 of the cannabis law is REPEALED  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

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

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

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

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

23 (ii) A door which has no exterior hardware, or which is used solely as  
24 an emergency or fire exit, or for maintenance or delivery purposes, or  
25 which leads directly to a part of a building not regularly used by  
26 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.

LBD14812-01-6

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

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

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

12 (ii) Such uses include, but are not limited to: (A) the conduct of  
13 legally authorized games of bingo or other games of chance held as a  
14 means of raising funds for the not-for-profit religious organization  
15 which conducts services at the house of worship or for other not-for-  
16 profit organizations or groups; (B) use of the building for fund-raising  
17 performances by or benefitting the not-for-profit religious organization  
18 which conducts services at the house of worship or other not-for-profit  
19 organizations or groups; (C) the use of the building by other religious  
20 organizations or groups for religious services or other purposes; (D)  
21 the conduct of social activities by or for the benefit of the congre-  
22 gants of the house of worship; (E) the use of the building for meetings  
23 held by organizations or groups providing bereavement counseling to  
24 persons having suffered the loss of a loved one, or providing advice or  
25 support for conditions or diseases including, but not limited to, alco-  
26 holism, drug addiction, cancer, cerebral palsy, Parkinson's disease, or  
27 Alzheimer's disease; (F) the use of the building for blood drives,  
28 health screenings, health information meetings, yoga classes, exercise  
29 classes or other activities intended to promote the health of the  
30 congregants or other persons; and (G) use of the building by non-congre-  
31 gant members of the community for private social functions.

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

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

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

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

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