STATE OF NEW YORK

8510

2025-2026 Regular Sessions

IN ASSEMBLY

May 20, 2025

Introduced by M. of A. K. BROWN -- read once and referred to the Committee on Economic Development

AN ACT to amend the cannabis law, in relation to prohibiting advertisements on television and radio of cannabis and cannabis products

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

Section 1. Subdivisions 2 and 4 of section 86 of the cannabis law are amended to read as follows:

2. The board shall promulgate regulations for advertising and marketing content including but not limited to explicit rules prohibiting advertising that:

(a) is false, deceptive, or misleading;

(b) promotes overconsumption;

(c) depicts consumption;

(d) is designed in any way to appeal to children or other minors;

(e) is within or is readily observed within five hundred feet of the perimeter of a school grounds, playground, child day care providers, public park, or library;

(f) is in public transit vehicles and stations;

(g) is in the form of an unsolicited internet pop-up;

(h) is on publicly owned or operated property;

(i) makes medical claims or promotes adult-use cannabis for a medical or wellness purpose;

(j) promotes or implements discounts, coupons, or other means of selling adult-use cannabis products below market value or whose discount would subvert local and state tax collections;

(k) is in the form of a billboard; [~~or~~]

(l) *is in the form of a television or radio advertisement; or*

(m) fails to satisfy any other advertising or marketing rule or regulations promulgated by the board related to marketing or advertising, not inconsistent with this chapter.

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

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4. The board shall promulgate regulations requiring that:

(a) all advertisements and marketing accurately and legibly identify the party or other business responsible for its content; and

(b) any [~~broadcast, cable, radio,~~] print and digital communications advertisements only be placed where the audience is reasonably expected to be twenty-one years of age or older, as determined by reliable, up-to-date audience composition data. The burden of proving this requirement lies with the party that has paid for or facilitated the advertisement.

§ 2. Section 132 of the cannabis law is amended by adding a new subdivision 9 to read as follows:

9. Any registered organization or licensee who violates paragraph (l) of subdivision two of section eighty-six of this chapter may be assessed a civil penalty of up to five thousand dollars for each violation of such paragraph. Upon a conviction of a third violation of such paragraph, such registered organization or licensee shall be subject to registration or license revocation and denial of a future registration or license applications. Prior to a registration or license being revoked or a registration or license application being denied under this subdivision, such registered organization or licensee shall be provided with a written determination by the office regarding such revocation or denial after notice and an opportunity to be heard.

§ 3. The office of cannabis management shall promulgate rules and regulations within thirty days of the effective date of this section to effectuate the provisions of this act and to ensure registered organizations and licensees who violate paragraph (l) of subdivision 2 of section 86 of the cannabis law are provided with notice, an opportunity to be heard, and a written determination issued by the office of cannabis management prior to the revocation or denial of a registration or license.

§ 4. This act shall take effect immediately; provided, however, sections one and two of this act shall take effect on the thirtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.