NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 30, 2021

3:32 p.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BENJAMIN: The Senate will come to order.

I ask everyone present to please rise and recite the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT BENJAMIN: In the absence of clergy, let us bow our heads in a moment of silent reflection or prayer.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT BENJAMIN: Reading of the Journal.

THE SECRETARY: In Senate, Monday, March 29, 2021, the Senate met pursuant to adjournment. The Journal of Sunday, March 28, 2021, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BENJAMIN: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Gaughran

moves to discharge, from the Committee on Local Government, Assembly Bill Number 2580 and substitute it for the identical Senate Bill 1090, Third Reading Calendar 157.

ACTING PRESIDENT BENJAMIN: Substitution so ordered.

THE SECRETARY: Senator Benjamin moves to discharge, from the Committee on Children and Families, Assembly Bill Number 1860 and substitute it for the identical Senate Bill 5081, Third Reading Calendar 553.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Rivera moves to discharge, from the Committee on Health, Assembly Bill Number 228 and substitute it for the identical Senate Bill 2119, Third Reading Calendar 577.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, I move that the following bills retain their -- oh, I'm sorry, amendments are offered to the following Third Reading Calendar bills:

By Senator Brouk, on page 13, Calendar 380, Senate Print 4478;

By Senator Sanders, page 27, Calendar 585, Senate Print 4095A;

By Senator Mayer, page 30, Calendar 618, Senate Print 5576A;

And by Senator May, page 32, Calendar 640, Senate Print 5267.

ACTING PRESIDENT BENJAMIN: The amendments are received, and the bills shall retain their place on the Third Reading Calendar.

Senator Gianaris.

SENATOR GIANARIS: On behalf of Senator Hinchey, I wish to call up Senate Print 2135, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number

178, Senate Print 2135, by Senator Hinchey, an act to amend the Agriculture and Markets Law.

SENATOR GIANARIS: I move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT BENJAMIN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is restored to its place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT BENJAMIN: The amendments are received.

SENATOR GIANARIS: On behalf of Senator Jackson, I wish to call up Senate 2008, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 570, Senate Print 2008, by Senator Jackson, an act to amend the Insurance Law.

SENATOR GIANARIS: Move to

reconsider the vote by which the bill was passed.

ACTING PRESIDENT BENJAMIN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is restored to its place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT BENJAMIN: The amendments are received.

SENATOR GIANARIS: Mr. President, there will be an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT BENJAMIN: There will be an immediate meeting of the Rules Committee in Room 332.

SENATOR GIANARIS: The Senate stands at ease.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:35 p.m.)

(Whereupon, the Senate reconvened at

3:42 p.m.)

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, let's take up the report of the Rules Committee which is at the desk.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bills:

Senate Print 854A, by Senator Krueger, an act in relation to constituting Chapter 7-A of the Consolidated Laws;

Senate Print 558, by Senator Kaplan, an act to authorize the Manhasset Union Free School District and Manhasset Public Library to take certain actions; and

Senate Print 5943, by Senator Reichlin-Melnick, an act in relation to permitting the Suffern Central School District to move the date of their annual meeting.

All bills reported direct to third

reading.

SENATOR GIANARIS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT BENJAMIN: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BENJAMIN: The Rules Committee report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Let's take up the reading of the calendar, please.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 91, Senate Print 1416, by Senator Harckham, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Mr. President.

When people in early recovery -- either just out of treatment or perhaps in a day program -- are moving on with their recovery, they have a need for safe housing. Either they've lost their housing due to circumstances, or they're living in facilities that may not be safe for their recovery.

So there are very few housing options for people in early recovery. And recovery residences run the gamut from very good and very qualified to downright criminal.

And there's no way that patients can be reimbursed for their stays, and oftentimes families reach into their pockets for hundreds of thousands of dollars, because there is no set of standards that allows them to do this.

And groups like EAP, the Employee Assistance Program, are looking for ways to

reimburse those stays. Perhaps insurance, one day, and Medicaid, can reimburse.

So this legislation is a first step at that. It empowers OASAS to create a set of standards that people would voluntarily comply for that they can be certified for. This gives families and patients the knowledge that a facility that they're going to is safe and secure and will be a good place for their loved one in early recovery.

And it also begins to build a body of knowledge and a set of standards whereby EAP and insurance and others can be billed to reimburse for a sustainable funding stream.

So it's a simple piece of legislation, long overdue, just the beginning. I thank colleagues for their support, and I'll be voting aye.

ACTING PRESIDENT BENJAMIN: Senator Harckham to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number

116, Senate Print 1453B, by Senator Parker, an act to amend Chapter 108 of the Laws of 2020.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 157, Assembly Print 2580, substituted earlier by Assemblymember Thiele, an act to amend Chapter 308 of the Laws of 2012.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 467, Senate Print 1827, by Senator Skoufis, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BENJAMIN: Read

the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar 467, voting in the negative: Senator Weik.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 512, Senate Print 482A, by Senator Persaud, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 530, Senate Print 4165A, by Senator Bailey, an act to amend the Executive Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 553, Assembly Print 1860, substituted earlier by Assemblymember Jean-Pierre, an act to amend the Social Services Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 577, Assembly Print 228, substituted earlier by Assemblymember Gottfried, an act to amend the Public Health Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 616, Senate Print 1925, by Senator Jackson, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 617, Senate Print 5545, by Senator Mayer, an act to amend the Education Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

Senator Gianaris, that completes the reading of today's calendar.

SENATOR GIANARIS: Mr. President, can we now move to the controversial calendar, please, starting with Calendar 617.

ACTING PRESIDENT BENJAMIN: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 617, Senate Print 5545, by Senator Mayer, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Senator Lanza, why do you rise?

SENATOR LANZA: Mr. President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that you recognize Senator Palumbo to be heard.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Lanza.

Upon review of the amendment, in accordance with Rule 6, Section 4B, I rule it nongermane and out of order at this time.

SENATOR LANZA: Accordingly, Mr. President, I appeal the chair's ruling and ask that Senator Palumbo be recognized.

ACTING PRESIDENT BENJAMIN: The appeal has been made and recognized, and Senator Palumbo may be heard.

SENATOR PALUMBO: Thank you, Mr. President.

With respect to germaneness, this bill is germane to the bill-in-chief because over the past year the Governor has made numerous executive orders and directives relating to the education laws and the election process procedures in our state.

Today is the 34th time my colleagues and I have brought this amendment to the floor, in the hopes that this chamber will show some courage to get back to business.

But we ultimately know what's going to happen. And, as we've seen the previous 33 times, that we're unfortunately not getting back to work.

Now, the -- in the interests of clawing back the Governor's emergency powers, we have seen numerous other distractions that have ultimately been occupying the Governor's time. But what's important to remember, we've also seen 15,000 nursing home deaths as a result of his

unilateral decisions.

And as we sit here today we also have a directive for the Office for People with Developmental Disabilities that is identical to the March 25 COVID order for nursing homes. Group homes, as we sit here today, are required to take COVID-positive patients.

Now, of course they have to observe certain protocols, but it's been disclosed -- and I think we can all agree -- that a hospital setting is the best place for someone who's positive with COVID-19.

However, I called for this a few weeks ago, introduced legislation last week to repeal that directive, and unfortunately there has been no action. And quite frankly, I think that has a lot to do with the fact that the Governor has many other things on his plate and many other issues that he's dealing with. But most importantly, he's refusing to even acknowledge something as serious as that.

By the way, people with intellectual and developmental disabilities are three times more likely to die than the general population from COVID-19.

So my friends, as we sit here and watch the world go by, it's time to get back to work, and I urge an affirmative vote on this amendment.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Palumbo.

I want to remind the house that the vote is on the procedures of the house and the ruling of the chair.

Those in favor of overruling the chair signify by saying aye.

SENATOR LANZA: Request a show of hands.

SENATOR GIANARIS: Mr. President, we've agreed to waive the showing of hands and record each member of the Minority in the affirmative.

ACTING PRESIDENT BENJAMIN: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT BENJAMIN: The ruling of the chair stands and the bill-in-chief is before the house.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar 617, those Senators voting in the negative are Senators Helming and Oberacker.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 116, Senate Print 1453B, by Senator Parker, an act to amend Chapter 108 of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Senator Oberacker.

SENATOR OBERACKER: Thank you,

Mr. President.

Through you, Mr. President, would the sponsor yield for a few questions?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR PARKER: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR OBERACKER: Thank you. And thank you, Senator.

This bill places a burden on broadband service providers, as it forces them to provide free service without the ability to assess late payment fees, penalties, or to require a deposit to all residential and small business customers with fewer than 25 employees who do not pay their bill during the entirety of a declared emergency.

Through you, Mr. President. How are companies supposed to know which businesses have 25 employees?

SENATOR PARKER: Mr. President, through you.

I'd like to inform the Senator, if

he wasn't aware, that we're actually in the middle of a once-in-a-hundred-year pandemic. And so this bill is really an extension of a bill that we've actually already done creating a utility moratorium for utility customers all over the State of New York.

This particular bill, what we recognize is that people were forced to sometimes leave their jobs, sometimes separated from their jobs because of no fault of their own and because of the pandemic, did not have income and thus were not only not able to pay their rent -- which we've had lots of conversations and passed legislation to address that -- but have not been able to pay, thus, then, their utilities, including gas, electric, water and what we acknowledge in this legislation is internet, phone service and wireless.

Why do we do that? We would not put anybody in a house or an apartment in the State of New York without water, electric and gas. I argue that in fact now broadband and cable have become as essential as water, electric and gas.

In the midst of a pandemic in which we now started rolling out a vaccine, the only

way for seniors to actually sign up for it was to get onto the internet. If we in fact cut it off because they didn't have income, how do they even sign up for a vaccine?

People who have lost their jobs because of no fault of their own, how would they be able to even get a new job to pay their bill if in fact they had no broadband? Right?

And so, you know, the news, all these things now come through internet, cable, wireless, and so that becomes as necessary as water, gas and electric.

In the particular case that the Senator is asking about vis-a-vis small businesses -- which, again, we're trying to help -- it really just takes some outreach by the companies to figure out what their customer base is, understanding who their customers are, and asking them about the information that they need relevant to this legislation.

SENATOR OBERACKER: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR PARKER: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR OBERACKER: Thank you.

How would companies know if a small business customer is either seasonal, short term, or a temporary customer?

SENATOR PARKER: Through you, Mr. President, ditto. I mean, the reality is -- is, again, the same kind of outreach that is required.

Again, these are not like arbitrary relationships or casual relationships. This is a utility provider. You should know what the needs are and what the usage rates of your customers are. It's simple information. If they don't have it, they have an army of people that in fact can address the issue with the individual customers and figure out which ones apply to this particular legislation.

SENATOR OBERACKER: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield? Does the sponsor yield? Sponsor?

SENATOR PARKER: Oh, yes. Sorry. Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR OBERACKER: Thank you.

How are companies supposed to determine whether the customer has the resources to pay the bill?

SENATOR PARKER: So, again, companies have relationships with their -- with their -- companies, these utilities, have a relationship with their customers. It is -- should not be a major problem for these same companies that talk to these companies' customers all of the time, to ascertain all of the information they need in order to have themselves be compliant with the law.

SENATOR OBERACKER: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR PARKER: Yes,

Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR OBERACKER: Thank you.

Broadband providers in New York State have instituted numerous voluntary programs to help those who have experienced financial hardship during the pandemic, particularly for work and education purposes.

Additionally, the federal emergency broadband benefit slated to roll out this spring would provide low-income households with a $50 per month benefit for broadband service as well as a $100 benefit for the purpose and purchase of a connected device.

Through you, Mr. President, my question. The original bill had an end date of December 31, 2021, but the new amended version now before us extends the sunset date until July 20, 2022. Why is this bill being extended now for over two years past the start of the pandemic?

SENATOR PARKER: Mr. President, through you.

Again, we understand that we're in

the middle of a once-in-a-hundred-year pandemic. People have been fighting for both their lives and their livelihoods. We have no less of a burden in this body but to protect our residents of this great state and to make sure that they are protected from the cataclysm that is befalling them.

They were told to stay at home. Many of them subsequently lost their jobs. Many of them lost other income. Many of them got sick. Many died. Many lost family members during this.

And in the midst of this, my friends on the other side of the aisle would say: Despite all the things that you have gone through, through no fault of your own, pay your bill. Pay your bill. I don't care whether you don't have a job. I don't care whether you don't have any income. I don't care that you lost the primary breadwinner in your family. Pay your bill.

And we're simply saying give New Yorkers a chance to get back on their feet. Give them a chance to heal. Give them a chance to find new employment. Give them a chance to

get the vaccine. Give them a chance for their kids to get out of distance learning back into in-person learning. Just give the people a chance.

And so we have created a timetable in which the bill essentially ends on December 31st of 2021, but then if you are someone who still is having a hard time, you can make a declaration that COVID has disproportionately affected you and you in fact get a little bit more time to get yourself back on your feet.

It's the least that we can do for a group of people who have fought so hard to make this state so great and have been struck by this awful pandemic.

And so we think that this legislation is not just reasonable, it is proper, it is the right thing to do, it provides the much-needed relief to every single New Yorker across the state that they need.

It also does not discriminate against people on whether you lost all your income or some of your income. It doesn't discriminate whether you're in the city or in a

rural area. It says all of us deserve some time -- and if you are having a hard time.

Now, if you have been, you know, somebody who -- you know, like the Senator across the aisle who's asking the questions -- had a job, had, you know, his health insurance, was able to pay his bills, by all means you should be paying your bill.

But if you're somebody who's been struck hard economically by this pandemic, you certainly need some relief, you certainly need some protection from the State of New York. That's what you pay your taxes for. And we certainly should give them the time that they need in order to get themselves back on their feet, both literally and economically.

SENATOR OBERACKER: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR PARKER: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR OBERACKER: Other states, including Vermont, have a disconnection moratorium on utilities but did not expand to the nonregulated competitive companies.

They've also established a special fund with state and federal dollars to provide eligible households and businesses with a grant to pay for past-due balances for utilities.

Could New York do something similar instead of a proposal like this that is preempted by federal law?

SENATOR PARKER: Mr. President, first of all, Vermont? Really? We're comparing the great State of New York to Vermont?

I represent more people in my district than they have in Vermont. Why are we having a conversation about what they did with the -- the -- the -- I mean, people -- great folks in Vermont, but this is apples and oranges. Right? Or in this particular case, you know a grape and a grape fruit.

We really should be doing something that's proportional to the 20 million people who live in this great state, many of who have been disproportionately sick. We had more deaths here

than any -- than Vermont. We had more people who lost their jobs than Vermont. And so the amount of money that it would take in order for us to do it in the way that Vermont does just simply does not exist in this moment.

And again, we're not saying that anybody should never pay their bill and that they should -- you know, and that these arrears should be stacked up and never paid.

In fact, the next thing that we're working on -- and I invite the Senator to come and commune with me on this issue -- is the issue of, you know, utility arrears and how we in fact deal with those arrears.

But in this moment, in this moment we're still in the midst of the pandemic. Just yesterday we were talking about how the numbers are spiking in the State of New York. This pandemic is not over. People still not back to work, people still not present in in-person learning -- there is so much to do to get this great state back on its feet. We need to continue to protect the State of New York.

I am happy to stand on that wall and wield the sword in the night, the shield that

protects the realms of people here in this great state. And we'll continue to pass legislation that we believe does look ahead and does say we're not going to wait for the federal government, we're not going to wait for somebody to tell us what to do, we're not going to wait for a catastrophe of millions of people being cut off and not having access to broadband or gas or water or electric.

We're going to do the right thing because we know what has to be done, we see what has to be done, and we're going to address it head on.

SENATOR OBERACKER: Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Oberacker on the bill.

SENATOR OBERACKER: I appreciate my sponsor's answers and believe he has good intentions with this bill.

And the analogy between Vermont and New York may seem appropriate. You know, we have a saying in our company -- we do product development and research development for companies, and our saying is "You find something

successful and you copy it." And I would suggest to my colleague that we find something successful and copy it.

You know, federal law explicitly bars state regulation of mobile wireless rates and entry and precludes a state from mandating a particular rate for wireless service, including any requirement that wireless providers offer service month to month during a global pandemic without payment for services and without the ability to assess or collect late payment fees.

Connectivity is crucial, a lesson I know full well, representing a rural region of the State of New York where many, where many are without broadband or cellphone service.

Additional mandates that will leave broadband providers -- especially many of the smaller community-based companies that I represent -- in dire financial straits will not help reach our overall goal of providing affordable, reliable broadband to all.

This bill goes just a bit too far, and for that reason I will be voting no.

Thank you, Mr. President. And thank you, Senator.

ACTING PRESIDENT BENJAMIN: Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Brisport to explain his vote.

SENATOR BRISPORT: Thank you, Mr. President.

I rise to thank you for presiding over this chamber and for my colleague, Senator Parker, for his impassioned defense of this bill. It's a good bill.

I stand here today to say we're passing this legislation because we know how serious utility shutoffs are and because we know that utility companies are willing to risk the safety and well-being of our constituents in an attempt to protect their bottom line.

We recognize this as a crisis today

because the pandemic has put so many New Yorkers at risk of a shutoff. But this was a crisis before it started happening to middle-class people. This was a crisis before the pandemic when it was happening to low-income people, when it was happening disproportionately to Black and Brown people.

It will continue to be a crisis for those families long after this new moratorium has expired, because private companies are fundamentally designed to prioritize profit over providing consistent access to basic necessities.

As we acknowledge the absolute necessity of utilities, we must also acknowledge that a system that fails to make them reliably accessible to everyone, regardless of income, is not a functional system.

I am voting yes today in the sincere hope that we will promptly not wait to address the underlying cause of this crisis. Without publicly owned and operated utilities, many of our constituents will face this crisis again the moment this bill sunsets.

Thank you.

ACTING PRESIDENT BENJAMIN: Senator

Brisport to be recorded in the affirmative.

Senator Lanza to explain his vote.

SENATOR LANZA: Yes, Mr. President, to explain my vote.

You know, I heard on the radio this morning that Game of Thrones was coming to Broadway. I'm glad it stopped first here in the Senate.

(Laughter.)

SENATOR LANZA: I thank my good friend Senator Parker for that.

And I want to respond to some of the comments.

First of all, I want to assure you, Mr. President, we on this side of the aisle care. We care deeply about the way this pandemic has affected, really ravaged our state. And it's why we have been so vocal in trying to push back on these arbitrary and unilateral emergency powers that this Governor has enjoyed now for more than a year.

It's why we have stood up for small businesses and families across the State of New York. It is why we have decried the arbitrary nature of so many of these policies

that have been enacted by this government here in New York.

You know, I voted in the negative on this bill the last time, in its earlier version. One of the reasons I did so, Mr. President, was because it excluded small businesses. And I thought that was wrong, because really they were the first to go, if you will, because of the edicts here in the state. They were closed down a lot of times without rhyme and reason.

This time the sponsor has included small businesses. I'm going to be voting in the affirmative.

But I share Senator Oberacker's concerns here with respect to the bill, and I associate myself with his comments.

Yeah, it is true, if you've been put out of work by the government of the State of New York, there ought to be relief. I happen to believe, though, and we on this side of the aisle happen to believe the relief ought to be coming from the government. So if you were put out of work because of the edicts, the shutdowns here in New York, you have some time to pay your water, gas and electric.

I would say, Mr. President, what about small businesses in my district and every district across the State of New York who were shut down, again, without rhyme or reason? And the theory was we're going to do these lockdowns and these shutdowns because we're going to save lives.

Well, you know, if you look at the science, you look at the results, you look at the statistics, it seems not to have worked here, Mr. President. Because in spite of those shutdowns, the State of New York has suffered the second-highest death rate in America, closely behind New Jersey, our neighbor. Far worse, far many more people died here in New York than in states where they didn't have these lockdowns and shutdowns.

But again, the theory here, as I understand it, was that we're going to have these lockdowns and these shutdowns because they're going to be good for the public good. It's going to be good for all the people of the State of New York.

But we really only have presented the bill to a select few. We shut businesses

down, they're paying the whole tab, the theory being we're going to help everyone. I think that's wrong. If it was for everyone, then everyone ought to be paying, and that means the government ought to be paying.

I have small businesses, Mr. President -- I'm going to wrap up here -- in my district that have been shut down by this Governor, arbitrary and capricious -- there are restaurants open on one side of the street, closed on the other side of the street. And yet that business owner, he or she is still required to pay their property bill, their rent, their water bill in New York City, and many of them have already shuttered their doors, never to return.

So I'm going to be voting in the affirmative here. I understand the spirit of this legislation, for my colleague and good friend Senator Parker. I don't think it goes far enough. I'm still waiting for relief for those small businesses that were shut down by ineffective edicts from this government.

I vote in the affirmative.

ACTING PRESIDENT BENJAMIN: Senator

Lanza to be recorded in the affirmative.

Senator Parker to close.

SENATOR PARKER: Thank you, Mr. President.

I actually rise to vote in the affirmative on this legislation. This is something that we have spent a lot of time working on.

I want to thank my colleagues in the Assembly and certainly the staff here in the Senate who have really done a yeoman's job at, you know, making sure that we address all of the issues for the most vulnerable New Yorkers.

Again, as I've indicated, this state has been ravaged by this -- you know, by COVID-19, a once-in-a-hundred-year pandemic. People have been fighting for both their lives and their livelihoods. And the least that we could do is protect them from the economic stress of having to pay bills when they have no income through no fault of their own.

When people at the Senator's company are talking about find a good idea and copy it, this is the good idea that people are copying nationwide. So by the way, we were the first

state, right, because we're the Empire State, right, and so we don't lead, right, unless -- as my father used to tell me, you either lead, you follow, or you get the hell out of the way. Right? We decided to lead.

And so we were the first state to do a moratorium. It is the most comprehensive moratorium. This one goes even further and will continue to be a model for what other states do around the country.

As we talk about why it has ravaged places like New York and New Jersey, let me tell my good friend from Staten Island, the gentleman and my friend from Staten Island, I've got three words on why it's hit us harder than other places: den-si-ty. Right? Yeah, den-si-ty. Right? Like we are just a much denser community, both here in New York and in New Jersey, which is why you've seen it in -- more so than even in places likes California, which has a larger population but a lot more area for people to spread. Right?

And so when you talk about a place like New York City -- well, the State of New York and then New York City, where 50 percent of the

population literally lives in one city, you know, it creates a dynamic.

And then you add on top of that, you know, social determinants of health, you know, comorbidities. Right? We actually -- one of the first bills that we passed in this body was a bill I sponsored that directed the Office of Health Disparities to look at the impact of COVID-19 on Black and Latino communities, exactly because we were hit harder because of those other dynamics.

And we can -- so there's a lot of conversation I think to have it about this. But in this particular case, we really just want to make sure that our seniors who need vaccines don't have their internet cut off. We want to make sure our students who have to do their homework don't have their internet cut off. We want to make sure that that mother who's taking care of her family doesn't have her water shut off because the breadwinner got COVID and passed away and she's now alone, trying to figure out how she's going to make ends meet.

That's what we're doing here. And frankly, we're not saying that these bills never

get paid. That is a conversation and a piece of legislation for another day.

In this moment we're simply saying -- and part of the reason why we also are saying this is because the courts are not even in session. So even if they cut you off, you can't even adjudicate the case because -- because they're -- because the courts are not meeting.

And so we think this legislation is the right thing to do. We think it's timely, we think it's appropriate. I want to thank my colleagues who voted for it. And again, I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Parker to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 116, those Senators voting in the negative are Senators Akshar, Borrello, Helming, Jordan, Oberacker, O'Mara, Ortt, Rath and Stec.

Ayes, 54. Nays, 9.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris, that completes the reading of the controversial calendar.

SENATOR GIANARIS: Can we now move to the reading of the supplemental calendar, please.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 641, Senate Print 854A, by Senator Krueger, an act in relation to constituting Chapter 7-A of the Consolidated Laws.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 642, Senate Print 5558, by Senator Kaplan, an act to authorize the Manhasset Union Free School District and Manhasset Public Library to take certain actions to correct an understatement in the certification of the 2020-2021 tax levy.

SENATOR GIANARIS: Lay it aside for the day.

ACTING PRESIDENT BENJAMIN: The bill will be laid aside for the day.

THE SECRETARY: Calendar Number 643, Senate Print 5943, by Senator Reichlin-Melnick, an act in relation to

permitting the Suffern Central School District to move the date of their annual meeting.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris, that completes the reading of today's supplemental calendar.

SENATOR GIANARIS: Can we now move to the reading of the controversial supplemental calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 641, Senate Print 854A, by Senator Krueger, an act in relation to constituting Chapter 7-A of

the Consolidated Laws.

ACTING PRESIDENT BENJAMIN: Senator Akshar.

SENATOR AKSHAR: Mr. President, good afternoon. Through you, would the sponsor yield for a few questions.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Happily, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Senator Krueger, it's good to see you. It's the first time this legislative session. Good to see you. I thank you in advance for answering a few of my questions.

Mr. President, through you, I would direct the sponsor's attention to page 2, lines 31 and 32 of the bill, in which it states, in part, that this bill will "reduce violent crime."

Would the sponsor of the bill tell me exactly how this bill intends to reduce violent crime?

SENATOR KRUEGER: Through you,

Mr. President, right now we have an enormous system of drug distribution in this state that is controlled by cartels. And they have taken control of marijuana as well as much more dangerous drugs. There are often guns involved. When people go to buy their marijuana, they don't know who it is they're buying from; there's no licensing. They don't know if they are organized crime. They don't know if that same person is selling other, much more dangerous drugs.

And the fact is, to have a legalized system, which is the proposal of this legislation, ensures that the drug is safe from seed to sale, the people who are handling the drug, marijuana, growing it to transporting it to distributing it to retail sites, to the stores themselves, are all licensed, where the state can keep track of exactly who's been involved in any level of the business and can make sure that dangerous cartel players are not involved in legal marijuana in New York State.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Is the sponsor asserting that the Sinaloa or the Medellín Cartel is really going to abide by the language in this 128-page bill?

SENATOR KRUEGER: No, I don't think cartel dangerous people are going to follow our laws. They don't now.

But I do think that people will choose within two options -- an illegal, dangerous option and a legal, regulated option -- to buy their marijuana through our legal, regulated options. That is what they've been finding in other states that have already legalized.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR AKSHAR: Just in that vein, if I could follow up with the last point you made, is there anecdotal data or statistical data that proves, in fact, that this illegal drug trade, or at least in which cartels are part and parcel to, that that activity has been reduced?

SENATOR KRUEGER: So we believe that the illicit market has actually been shrunk everywhere that has gone into a legal market. But we know that Colorado has carefully been tracking the reduction in their illegal market over the course of time that they have had a legal program. And they've been up and running now for over five years? Maybe 10 years.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Does the sponsor believe that in fact the cartels will find

another place to do business, rather than the State of New York, after this bill is signed into law?

SENATOR KRUEGER: Well, that would be lovely. I don't know.

I do know what's interesting, when you change your drug laws -- and we've seen it in a variety of states now -- when you take away criminal law for low-hanging fruit like teenagers with marijuana in their pockets, you end up freeing up your police and your DAs and your courts to go after the more serious criminals.

And that is an absolute plus. Because in fact people talk about -- not that you asked me yet -- but people asked about how much money we could make in a legalized, regulated system. But I think one of the really important things to understand from the research, we expect to actually save about $500 million in our criminal justice system simply because we have legalized marijuana.

So we won't be using our police to pick up kids; we won't be using our police to transfer them to the precinct houses and process them. We won't be clogging up our courts with

these low-level offenses. And that's a win for everybody, because that means our criminal justice system has those resources available to go after actual bad guys.

And I do believe that from the perspective of cartels or criminal justice or criminal behavior, that having more money freed up for our police and our courts and our DAs to use to go after actual criminals is a win for everyone.

SENATOR AKSHAR: For whatever it's worth, I happen to agree with the sponsor on that particular point.

Mr. President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Did the sponsor actually negotiate the final language of the bill?

SENATOR KRUEGER: Our staffs did, with three-way discussions between the Assembly,

the Senate, the Governor.

Was I in the room per se? Not for most of it. Did I answer phone calls and texts all times of day and night? Yes, I did, sir.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I thank the sponsor for that answer.

So those that were actually in the room negotiating the final language, is it your understanding that any of them conferred with mental health professionals, substance use disorder professionals, parent-teacher associations, school leaders, police officers, in coming up with the final language of the bill?

SENATOR KRUEGER: So the answer is yes, Mr. President. And it was me, sometimes, and it was staff.

This bill has been percolating and

morphing into a bigger and bigger and changed and, I believe, better bill for over seven years. When I first introduced it, everyone said I was crazy. They may have been right then; they may be right now.

But the fact is we had hearings, we took meetings -- endless, endless meetings with anyone who asked us. We met at the local level. I would go out to people's communities if they invited me there to talk about their concerns.

So in truthfulness, I'm not sure I have ever met with as diverse a group of people as I did over the seven years that my chief of staff and I were working on this bill.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, of course.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: During the course of that seven years and the evolution of this bill to where we finally land today, did you take

into account some of the suggestions that maybe groups that were opposed to this legislation put forth? And were any of those implemented in the final bill language?

SENATOR KRUEGER: Yes. I think -- I think many different people who had concerns, their concerns were factored into this bill.

I'm trying to think is there a way to almost isolate it to even one set of topics. Again, it's a 160-page bill at the end.

(Pause.) I don't read lips very well through the mask, so it takes me extra time. So -- thank you. Great. So some examples.

After speaking to PTAs and parents about concerns about marijuana and children -- even though, again, to reemphasize, this isn't a program for children. This is a program to make marijuana legal for age 21 and up. But we heard from parents, so we wanted to make sure that we factored in that you are not going to be able to have a delivery system that children will be able to get access to.

That we're putting things in resealable, child-resistant packages that are appropriately labeled and are not targeted to be

attractive to people under the age of 21. No candy-type cannabis products or products that would be confused by children with being children's candy.

We put very strict advertising limitations on the product so that you cannot be targeting, through advertising campaigns, children using the product. It's actually exceptionally difficult to advertise this. There will be regulations, but we very much started where I think we've ended with tobacco in this state, where it's just pretty hard to do tobacco advertisements because of the recognition about tobacco and the concerns for children.

We have invested in public education funds to educate children and their families about the dangers of drugs, including marijuana, for young people. We have established all kinds of traffic safety issues within the bill based on discussions with DAs and police. In fact, that took up a huge amount of time in working through this bill to get here today.

We factored in concerns about communities perhaps just not wanting the product being sold at all because of concerns. And we

built in opt-out options so that localities can decide they don't want dispensaries in their locations. Or they might not want a location where you can use the product in a social bar-type of situation.

So all of those things came out of meeting with groups, hearing what their concerns were. And there's much more, but those are the examples for now.

SENATOR AKSHAR: Thank you very much for that -- those explanations.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I just want to make sure I understood something that you just said in terms of the packaging and then what these edibles look like. It's not your suggestion that there will not be marijuana-type gummy candy.

And then in terms of the

packaging -- a two-part question. In terms of the packaging, is the packaging going to be such that a 16, 17 or 18 year old couldn't open that package and ingest whatever is in it?

SENATOR KRUEGER: No, I don't think there's a model for teenagers not being able to open products. But there is a standard among the drug community, over the counter and prescription, that you sell drugs in a way that younger children cannot open them and get their hands on them.

SENATOR AKSHAR: Thank you. Mr. President -- I'm sorry, I interrupted.

SENATOR KRUEGER: No, that's okay. You also asked about the gummies and the child candy.

So a gummy people think of as it's chewable and it's edible, and that will certainly be an option in adult-use marijuana. But no, they won't be little red bears or little squishy fish or all those other things that people identify as chewable candies today.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Just as a follow-up to that point. So is there a provision in the statute that precludes one that is in the business of manufacturing these gummy-type candies, of manufacturing it to look like a Swedish fish or a gummy bear?

SENATOR KRUEGER: (Reading.) "Packaging labels and shapes and products shall not be made to be attractive to or target persons under the age of 21."

I would argue that turning it into a colorful squishy fish or spider or all these weird things that children seem to like to eat would meet the standard of not being okay.

SENATOR AKSHAR: But they could look like a dot, you know, the candy dots?

SENATOR KRUEGER: I think they could look like a dot. I think that would be a little harder to argue.

Although we could have that

discussion because, you know, if it was a rainbow of dots on a piece of paper, not unlike a specific children's candy I remember eating, I could see arguing that that didn't meet the standard.

And we will have an agency who will be writing regulations and can address exactly those kinds of questions. And I think that if the argument could be made that that's too identified as a children's candy product, I think it would be fine to say then it can't be a marijuana product.

SENATOR AKSHAR: Thank you.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: So you had noted Colorado a few minutes ago. In Colorado, marijuana-related traffic deaths increased by 48 percent after legalization for recreational purposes. In the State of Washington, those

fatalities in which the drivers tested positive for THC doubled.

Are you concerned that we will see a similar type death or traffic-related deaths like Colorado and the State of Washington have?

SENATOR KRUEGER: So there are actually many different studies that people are referencing. And I can pull out quite a few studies that show there was no real change in fatalities once there was legal marijuana.

What we do know is once there's legal marijuana, when there is a fatality, they've gone and tracked are they checking whether it was marijuana or not, or some other drug in someone's system.

But I think there's actually far more research showing that there has been minimal changes in fatality rates after marijuana legalization in Washington and Colorado. And that actually some of the original studies done, the authors asked people to stop citing their research as showing the growth, because they said, That's not what our research showed, and that's not what the intent of the reports or the findings were.

So "Crash Fatality Rates After Recreational Marijuana Legalization in Washington and Colorado," the Journal of Public Health. "Driving While Stoned," Journal of Drug Policy Analysis. The American Journal of Public Health.

So there are quite a few studies that I'd be happy to give you after the debate showing that people are conflating different things and that they have not been a problem.

SENATOR AKSHAR: Mr. President, through you, it's safe to assume that the sponsor is not concerned with the question.

SENATOR KRUEGER: I'm sorry, I didn't hear that. Can you repeat that?

SENATOR AKSHAR: Yeah. Mr. President, through you. I'm just trying --

ACTING PRESIDENT BENJAMIN: Does the sponsor yield? Do you yield for a question?

SENATOR KRUEGER: No, I asked him to repeat what he said because I didn't hear him.

SENATOR AKSHAR: I just want to make sure I understand that you and I may differ on this, but you -- where we stand today, you're not concerned about the statistical data that I suggested because you have studies that show the

opposite.

SENATOR KRUEGER: Yes.

SENATOR AKSHAR: Thank you.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: I'm sorry. Yes, of course I yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I just want to make sure your counsel is done.

So do you believe that there's any correlation between the legalizing a drug that impairs drivers and an increase in accidents? Fatal or otherwise.

SENATOR KRUEGER: Overall, yes, I do not want people to use vehicles when they are under the influence of any products that make them worse drivers.

So I think it's a national problem that we know we have with drinking and driving. I think it's a national problem we know we have with people using marijuana today, whether it's

legal or not, and sometimes driving. And I think we know that there are other drugs that people are prescribed or not prescribed that really should stop them from being behind the wheel of a car.

And that is actually why there is quite a significant amount of resources committed to in this law to make sure we have more trained officers, local police, State Troopers who are trained in the skills to evaluate intoxicated drivers and get them off the roads.

SENATOR AKSHAR: Thank you.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Is there a readily available Breathalyzer for marijuana like there is alcohol?

SENATOR KRUEGER: Wouldn't that be great if there was? But -- and that's one of the things that held us up, because there's not yet.

There will be soon, is what we keep being told. There are pilots taking -- being used in a variety of states and in Canada, just to our north.

And it would be excellent if it was as simple as that. But we don't have a device like that yet that could sit in a police car and be available to them. It doesn't stop them from evaluating you, pulling you over, giving you a field sobriety test, taking your keys away.

And what we have committed to in this legislation is that we will be hiring some academic center to do an evaluation ourselves of what systems are out there and which ones do we think, as the State of New York, can work and start to use them here.

And I would guess that we'll start out with some system and a few years later they'll come out with a better one, and then we'll change to that one.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: So currently, how does a police officer determine if a driver is in fact impaired due to the use of marijuana?

SENATOR KRUEGER: So they start out by evaluating that they seem not to be driving well. Right? They might be swerving. They might observe them looking like they were asleep at the wheel. They may observe them driving too fast -- although apparently that's not so much the problem in marijuana. Actually, driving too slow may be the problem in marijuana -- and they then can then pull them over.

They can ask them to come out of the car, do a field sobriety test, I believe is the term. And I think it's the same one whether it's alcohol or marijuana. And if the person flunks the test, they then do not let them continue to drive.

They arrest them, they bring them to the precinct. Then what happens? Then they can ask for a chemical test. And based on the results of the chemical test, that might result

in a court proceeding with various penalties, depending on the level of the drug in your system, whether this is the first time this has happened or there have been multiple situations. They could actually end up losing their license for life.

And there's a variety of different penalties, relatively parallel to what we see in our DWI laws for alcohol.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: When you refer to chemical test, what are you referring to?

SENATOR KRUEGER: It's a blood or urine test that they can ask for you to take. They can't make you take it unless there has been an actual serious injury or crash of the vehicle.

SENATOR AKSHAR: Mr. President, through you, if the sponsor will continue to

yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR AKSHAR: Are there police officers who have -- or who are foremost experts in determining if a person is in fact operating a motor vehicle while using a drug?

SENATOR KRUEGER: Are there police officers --

SENATOR AKSHAR: Let me -- let me see if I can do a better job articulating it.

Are there some members of the police force that have additional certifications or additional expertise that allows them to determine whether or not someone is operating a motor vehicle under the influence of drugs?

SENATOR KRUEGER: Yes. New York State has a training program that they call DRE, and it has apparently been very effective at being able to provide these skills to a subuniverse of police officers and State Troopers.

(Reading.) In this legislation, we are ensuring that reasonable costs incurred by the State Police and the Department of Motor Vehicles to implement the provisions of this section of the Marijuana Regulation and Taxation Act, to expand and enhance the drug recognition expert training program and technologies utilized in the process of maintaining road safety, the Division of State Police shall, subject to available appropriations, increase the number of trained and certified drug recognition experts within the state and provide increased drug recognition awareness and advanced roadside impairment driving enforcement training under its drug recognition program.

SENATOR AKSHAR: Just on the bill for a second, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Akshar on the bill.

SENATOR AKSHAR: I want to make sure that the people of this great state understand that there's a very clear difference between enforcing driving under the influence of alcohol and how members of law enforcement go about that, versus driving under the influence of

a narcotic or driving with ability impaired.

So for one to go through -- if you suspected one was intoxicated because of alcohol, you would issue standardized field sobriety tests, bring them back to the station as you explained, and ask them to submit to a chemical test.

In this space the world is very different with drug recognition experts. It's a very detailed 12-step process that takes an hour or an hour and a half.

So I just want to make sure that we recognize and we understand that dealing with those who are under the influence of alcohol and operating a motor vehicle and those that are driving a motor vehicle under the influence of marijuana, cocaine, heroin, is completely different.

Would the sponsor yield for a few more questions?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Sure. I was just getting comfortable. Of course.

SENATOR AKSHAR: My apologies,

Senator.

Does the sponsor know how many drug recognition experts that we currently have in the State of New York?

SENATOR KRUEGER: No. Perhaps you know.

SENATOR AKSHAR: We have 343, Mr. President.

If the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Does the sponsor know how many police officers are currently employed throughout the State of New York?

SENATOR KRUEGER: No. But you know.

SENATOR AKSHAR: Fifty-five thousand.

Would the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I can see there's a great disparity between those -- the actual amount of men and women employed in the profession and those that have been specifically trained as drug recognition experts.

I want to talk, if we may, for just a moment about this issue of DRE and funding. I noted, Mr. President, that in the bill language it says -- and I think you had just mentioned this -- subject to available appropriation.

Has the sponsor given any thought to how much money will be allocated for members of law enforcement across the state to address the DRE problem?

SENATOR KRUEGER: So we're still negotiating within the budget process how much money will be available in the first year to expand DRE training and the number of officers.

But I think that the Governor is quite committed to making sure that we have the adequate resources and that we have the adequate trained officers.

What I think is important to remember, it's not that there will suddenly be people being stopped for being inebriated from marijuana when it's never happened before. One of the realities of New York State is we're already one of the largest marijuana economies in the country, if not the largest marijuana economy. It's just we don't have a legal program. So people are using marijuana and driving.

Police are stopping people now and going through this process. The only thing that I think will differ is now we will have more resources available with a better model for making sure police can pull over, meet the -- prove the standards, sometime soon have some kind of machine available.

And so we will be ahead of where we are now, as opposed to there's no one using marijuana, there's no one driving with marijuana, and suddenly a date will start and there will be.

So we might disagree over whether we've gone -- we have enough, whether we are investing enough. And that's a healthy debate to have, and that's a debate that can result in more

resources being put in if it doesn't appear that we have adequate. But I don't want anyone listening to us to imagine that we're starting today from a place where there is zero marijuana being used by people who drive cars. Because it is being used, and they are driving throughout the State of New York.

SENATOR AKSHAR: Thank you, Senator.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Another follow-up to this question.

Have there been any discussions in terms of providing an estimate to the Executive about what the Majority thinks is an appropriate amount of money to invest in this issue of DRE? Has there been any discussion about -- you know, from the 343 that we're currently at, what that number should be as we move forward?

SENATOR KRUEGER: So I asked the head of the State Troopers that question during the budget hearings, and he told me he was quite confident that they actually had the right resources and skills and that they would be able to train enough people and that he was not concerned about this issue within legalization of marijuana.

Obviously I did not talk to every police department in the state.

SENATOR AKSHAR: I totally understand that.

Mr. President, through you, if the sponsor --

ACTING PRESIDENT BENJAMIN: Senator Akshar, you have reached your 30-minute limit. If you could wrap up with one or two questions, that would be great.

SENATOR AKSHAR: Thank you.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR AKSHAR: When you say the State Police, the head of the State Police, I'm assuming you mean the acting superintendent.

SENATOR KRUEGER: Yes.

SENATOR AKSHAR: And it was his thought that he had what he needed in terms of resources currently in terms of funding to continue to train members of the State Police?

SENATOR KRUEGER: He said he was confident that he would have the resources to train more officers in DRE and to be able to help train other police officers who were not State Troopers and was not concerned that there would not be resources available.

Again, I didn't say "Did you talk to the Governor on X date, did you guys talk a dollar amount?" But I think, speaking now, here, the commitment is here from the Assembly, the Senate, and the Governor to make sure that this program works.

And there is going to be new revenues generated by this program, and a specific allocation, a recognition that the costs of a legalized program in New York State will be

able to be drawn from the revenues that you get from a legalized system. So I'm really not worried that over time, if it's determined we need more, that we will be able to be get more. We will be able to get more.

SENATOR AKSHAR: Mr. President, through you. On the bill for just a moment, I'll ask two follow-up questions, and then I'll conclude. But on the bill for a moment.

ACTING PRESIDENT BENJAMIN: Senator Akshar on the bill.

SENATOR AKSHAR: I would just note for the sponsor's -- you know, as you continue to have these conversations, there are 5,000 Troopers in this state. There are 50,000 other members of law enforcement.

And speaking from my own experiences as a former member, it's important for local police departments, sheriff's offices throughout this great state, to have that resource available in-house or internally, in which you would not have to wait for a Trooper to come from wherever it is that he or she was coming from in order to do the drug evaluation. So just something to think about as you move forward.

Mr. President, through you, if the sponsor would yield for a question.

ACTING PRESIDENT BENJAMIN: Could you consolidate those two questions into one?

SENATOR AKSHAR: Yeah. You know what, I'll ask one more question and then I'll go on the bill, how about that. Would you be okay with that?

ACTING PRESIDENT BENJAMIN: Sure.

Senator, will you yield for a question?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: How many inmates are currently in state correctional facilities because of marijuana offenses? I'm talking about the top count currently incarcerated in the state prison system.

SENATOR KRUEGER: We know it's a very small percentage of people in the prison population for marijuana charges.

But I don't think we have a number here for you right now. Sorry.

SENATOR AKSHAR: That's okay.

Thank you.

On the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Akshar on the bill.

SENATOR AKSHAR: I have a deep respect for the sponsor. And my opposition to this bill doesn't affect that respect and admiration that I have for Senator Krueger.

I know that she's worked incredibly hard over the last seven years to get to the point we are today, regardless of how I feel about it and how she feels about it.

I just want to use my time to provide a voice for millions of New Yorkers who I think were left out of the process. So many of them, their opinions, their wisdom, their participation were ignored. And these New Yorkers will be affected by this law just the same as anybody else.

There are stacks and stacks of memos of opposition from a whole wide spectrum and range of people who represent millions of New Yorkers. I think everyone in the chamber understands the cost of this legislation and how it will affect local communities. And that truth

I think is known by many people. But I feel like we are ignoring some of those issues.

What else do we know? That even in the best-case scenario, we're making life extremely difficult for the people that are charged with protecting and serving our community. Whether we agree or disagree, we know that fatal accidents in Colorado and Washington have increased. And if you look at neighboring states where marijuana is not legal, that is not the case.

We know that unemployment has risen, hospitalizations surrounding marijuana, teen suicide, mental health issues, all have gone up.

And the safety of our roads in terms of the DRE issue, as we discussed, is of utmost importance to me. We know that driving under the influence of THC cannot be enforced the same way as drunk driving. At best, a DRE can enforce -- is going to have a very difficult time enforcing this new law.

We talked about gummy bears and odorless ways to ingest marijuana going to make life very, very difficult for DREs and prosecutors.

We also know that there are 55,000 police officers across the state. Only 343 of them are drug recognition experts. There are significant public safety costs to communities -- emergency services -- and which I think will cost hundreds of millions of dollars as we move through this process.

We spend $40 million a year in ensuring that we try to stop people from smoking and vaping, and I'm afraid that this bill will act counterproductive to that.

We of course just banned flavored vapes, vaping products, because we know that it makes it more attractive for young people to smoke. And I think, again, we're going in a different direction here.

I firmly believe that we are setting up communities to fail. We talk all the time about unintended negative consequences of the misguided policies that so often come out of this chamber, and how these policies end up doing more harm than good for the people of this great state. And today I offer -- respectfully, of course -- that we all know what the negative consequences of this legislation will be. But

there are some who choose to simply ignore it.

If you vote yes today, you're choosing to ignore that. And I would kindly offer that the willful ignorance renders those negative consequences intentional, Mr. President. The lives lost, the damage done to communities and families are preventable and avoidable. We know this, but we ignore it anyways. This is not opinion, this is not conjecture, this is not politics. These in fact are facts.

I am afraid that if you're voting yes today, you are putting politics before people. I for one am not going to support something that sets our communities up to fail. Today I choose to put people over politics.

Mr. President, when it comes time, I'll be voting in the negative. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Boyle on the bill.

SENATOR BOYLE: Mr. President, on the bill.

I believe today we're making a huge mistake. When I was first elected to the State Senate nine years ago, I took office and one of the first things I did was being named the

chairperson of the Heroin and Opioid Task Force. This was at a time no one was really paying attention to the heroin and opioid epidemic that was coursing through New York State.

As chairman, we held 18 hearings around New York State. Hundreds and hundreds of people came to testify. And just about without a doubt, every single one of them said their gateway drug to harder drugs was marijuana.

I'm not saying everyone that smokes marijuana obviously ends up going to heroin. Certainly not true. But it is a gateway drug for millions of people.

What do we see? I want to associate myself with the remarks of my colleague. Carnage on the streets of states that legalized marijuana. Increased medical costs. We have a situation where we're going to have people going to work stoned, and the resulting accidents are going to cause a tremendous number of injuries -- and certainly cost lives, I believe.

I know a lot has been talked about here about the millions of dollars of tax revenue we're going to get. I think we're not going to make any money at all. We're going to lose money

as a state. The first 10 lawsuits that come about as a result of this bill is going to wipe out any tax revenue we're going to get.

It is a huge mistake. We need to rethink this. And it is being done for political expedience.

There was a very strong statement against legalizing marijuana by an individual just a couple of years ago. He said that this is definitely a gateway drug and he does not support the legalization of recreational marijuana. That person's name was Governor Andrew Cuomo.

The only thing that changed between then and now is he had a primary by a woman named Cynthia Nixon who made legalization of marijuana her trademark issue. And suddenly, oh, maybe it's not a gateway drug anymore, maybe we need to think about this.

Obviously we've seen the Governor make many decisions recently based on politics, maybe not the best science, the best ideas for protecting New Yorkers. But we need to step back and think about this, because it's my firm belief that the states that have legalized marijuana are going to start rolling it back, and not the other

way around.

I strongly support the idea of voting against this bill, and I urge all of my colleagues to join me in voting in the negative.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Palumbo.

SENATOR PALUMBO: Thank you, Mr. President. Would the sponsor yield, please, for a few questions.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator Krueger. How are you?

SENATOR KRUEGER: Fine.

SENATOR PALUMBO: I'd like to ask you a few questions, if I may, on some of the specific provisions of this bill.

So regarding at page 67, Section 127, there is a heading -- while you get to it, that I'll just -- I'll read the section that I'd like to ask a question on. That's "Protections

for the use of cannabis; unlawful discriminations prohibited." Indicating no person, registered organization, licensee or their agent shall be subject to arrest, prosecution or penalty in any manner, or denied any right or privilege, including but not limited to civil liability or disciplinary action by a business or occupational or professional licensing board or office, solely for conduct permitted under this chapter.

Now, generally in that regard, regarding that section, was this intended to create a new protected class, I guess? When we talk about discrimination, just that word has very significant legal meaning. So could you describe for me whether or not this becomes almost a protected-class situation?

SENATOR KRUEGER: One second, because we think we're talking Labor Law here.

SENATOR PALUMBO: Certainly.

SENATOR KRUEGER: So to clarify that, you know, that you can't discriminate in labor law for people who are involved with marijuana products, including with unemployment benefits. One second.

And when we create protected classes

in New York State, it's in Human Rights Law. And this is not Human Rights Law.

SENATOR PALUMBO: Thank you, Senator. Would you continue to yield for another question, please.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And so in that regard, then, if someone were to violate this provision -- say, an employer -- they would not be subject to a lawsuit for discriminating based upon that paragraph, if I'm hearing you correctly?

SENATOR KRUEGER: So would you mind if I asked my colleague Diane Savino, who I go to for Labor Law questions all the time, if she would answer?

SENATOR PALUMBO: Absolutely, Senator --

SENATOR KRUEGER: Thank you.

SENATOR PALUMBO: -- I wouldn't

mind.

ACTING PRESIDENT BENJAMIN: Senator Savino. Will you yield for a question, Senator Savino?

SENATOR SAVINO: Yes.

ACTING PRESIDENT BENJAMIN: Ask the question again?

SENATOR SAVINO: Senator Palumbo, the language that exists in the MRTA was also previously present in the existing Compassionate Care Act when we adopted that in 2014. And it was in recognition of the fact that we were creating a benefit for the people of the State of New York that could be considered illegal by the federal -- was considered illegal by the federal government and could be in conflict with existing either Labor Law or policies and procedures that employers had in place.

And we did -- and also applying it to potential domestic relations law and family custody cases or divorces. So we wanted to create a protection for people who were using a product in the State of New York that had now been determined to be legal in the four walls of our state. And that language is now carried over

into the MRTA.

SENATOR PALUMBO: Thank you, Senator.

And would either yourself or Senator Krueger -- or the sponsor yield for another question?

ACTING PRESIDENT BENJAMIN: Senator Krueger, will you yield?

SENATOR KRUEGER: If it's labor, let Senator Savino take it.

SENATOR PALUMBO: Well, you did mention -- I was just going to ask you, Senator Savino, possibly lower -- you mentioned the Domestic Relations Law, so maybe I can ask you the question that I was going to ask a little bit later.

Further down in that same section, paragraph 5, line 51: "No person may be denied custody of or visitation or parenting time with a minor under the Family Court Act, Domestic Relations Law or Social Services Law, solely for conduct permitted under this chapter, including but not limited to Sections 222.05 and 222.15."

So my question in that regard is as far as that provision is concerned, when you're

dealing with a custody or visitation issue and you're dealing with the best interests of a child in the Family Court or Supreme Court, a factor that can be considered certainly is someone's excessive alcohol use. We're specifically excluding cannabis use. Am I reading this accurately?

SENATOR SAVINO: I believe you're reading it correctly. But it would also -- you utilized the term "excessive," and that would be the same in this instance.

So in my experience -- through you, Mr. President -- in the days of my early career as a caseworker in the child welfare system, you could not use the use of alcohol against a parent in a child protective service proceeding or in a custody proceeding unless it was excessive and put the child at risk to life and/or health or was not in the best interests of the child.

Marijuana was illegal then -- it's illegal till today, until we pass it and make it legal in the State of New York -- so it would be used against a parent in a discriminatory fashion in that hearing. Once we legalize it now, it would be akin to alcohol. So if a parent is

using marijuana legally in the State of New York, but not excessively, where it would impair their ability to parent appropriately, it shouldn't be used against them.

SENATOR PALUMBO: Thank you --

SENATOR KRUEGER: And if I might, the continuation of that paragraph in the law is exactly as Senator Savino just said: Unless it is in the best interests of the child and the child's physical, mental or emotional condition has been impaired. So I believe it is an exact parallel to what she was describing with alcohol.

(To Senator Savino) Thank you.

SENATOR PALUMBO: And I appreciate that, Senators. And would either of you yield for another question?

ACTING PRESIDENT BENJAMIN: No, no, no. So what we'll do is you'll direct your questions to Senator Krueger, she's the sponsor. And if she decides to yield to Senator Savino, she can do that.

SENATOR PALUMBO: Got it.

Senator Krueger, would you yield for another question, please. Through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: We're tag-teaming, Mr. President. Yes, of course.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: Thank you, Senator. I appreciate your patience in that regard.

And so continuing on in that same section, "For the purposes of this section, this determination cannot be based solely on whether, when, and how often a person uses cannabis without separate evidence of harm."

So my question to you is under this bill, someone can keep five pounds of marijuana in their home, and they use it often. Without any additional evidence that may not be revealed in an investigation, the fact that they smoke pot, use pot, do whatever they may do with cannabis every single day, if it were alcohol would clearly be just indicative of harm intuitively.

It seems as though that language prohibits that type of a situation when

considering the best interests of the child and the parent or guardian is using cannabis. So could you please rectify that for me?

SENATOR KRUEGER: First off, there is a limit of how much marijuana you can have available at any given time. And the five pounds that you're using as an example is actually within the law for home-grown.

So it's a fascinating education -- I'm sorry, Mr. President, it will take me a minute or two, because I don't actually know that much about growing or using marijuana since I am not a user and don't wish to be.

If you home-grow, the law says you can home-grow up to six plants, three fully adult and three in growth at the same time. The discussion came up what does one plant weigh and how much marijuana do you get out of it. And we learned that the vast majority of the plant is not usable as a drug. The only part that's usable as a drug are the flowers, and some people put the leaves in a tea. But mostly it's sticks and stems and the roots system.

So that if you grow a plant and it comes to adult maturity and you pull it out of

the ground and you put it in your garage, it might be several pounds. It's not several pounds of usable marijuana, it's several pounds of what's going to go in the garbage can at some point. So the five-pound example wasn't actually a great example.

But you might have several ounces of usable marijuana in your home. That isn't evidence that you're using it everyday. That's not evidence that you're using it at all, actually. So just like, I guess, in some people's houses they have cases and cases of wine or beer or other spirits, that's not evidence of anything other than they have a lot of bottles of liquor in their home.

SENATOR PALUMBO: Thank you, Senator. Would you yield for another question, please.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator. And I see here in the Article 222,

page 85, that it does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the plant. So in that regard, there are certainly some parts of the plant that are excluded.

Can you just tell us how you came up with five pounds or how either yourself or the individuals that ultimately decided on that language?

SENATOR KRUEGER: It was an estimate that a variety of people came to based on visualizing -- let's say your three plants grew at the same time, were harvested at the same time, and were sitting in a bag in your backyard or your garage at the same time.

So apparently plants can grow to different sizes, depending on the strain of the product, whether you're growing under grow lights or under good or bad circumstances. I'm fairly confident my plants would be very small and very weak; I cannot grow anything.

(Laughter.)

SENATOR KRUEGER: I'm sure Senator Lanza's plants would be huge and beautiful.

(Laughter.)

(Off-mic exchange with Senator Savino.)

SENATOR KRUEGER: A fully mature plant is about 5 feet tall. I didn't know that.

Thank you (to Senator Savino).

SENATOR PALUMBO: Thank you. Thank you, Senator. Will the sponsor yield for one more question.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT BENJAMIN: the Senator yields.

SENATOR PALUMBO: Thank you --

SENATOR KRUEGER: Although if we stay on horticulture, I'm going to be in big trouble.

(Laughter.)

SENATOR PALUMBO: Yes, you might need a green thumb to get to a sizable plant.

But I guess the bottom line is the language says five pounds of cannabis. So that could be flower, that could be just the actual smokeable or usable part. And that is of concern to me.

But however, actually, if I can withdraw any offer for a question and actually ask a question on a little bit different area, and we'll be done with Section 127.

At line 21 it says "State or local law enforcement agencies shall not cooperate with or provide assistance to the government of the United States or any agency thereof in enforcing the Federal Controlled Substances Act solely for actions consistent with this chapter, except as pursuant to a valid court order."

So my question to you is, why did you feel that was necessary to have in this bill?

SENATOR KRUEGER: Because marijuana is still illegal at the federal level, and this law is to make it legal in the State of New York. So we need to do that.

SENATOR PALUMBO: Would the sponsor yield for another question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR PALUMBO: So, Senator,

other than the fact that I don't know if this is necessarily constitutional -- if it's enforceable, what if a law enforcement agency decides, because someone's, say, on federal parole, which prohibits, with narcotic conditions, use of marijuana. What if a law enforcement officer actually does assist a fellow law enforcement agency, as they're sworn to do? What's the sanction?

SENATOR KRUEGER: So you're on federal parole --

SENATOR PALUMBO: And they're requesting a local officer provide them --

SENATOR KRUEGER: And they're requesting a local officer to assist --

(Overtalk.)

SENATOR PALUMBO: Yes, ma'am.

SENATOR KRUEGER: So we think that if the federal government assigns some kind of warrant and goes to our courts and says, You need to assist us, that we probably have to do that.

But we don't want a situation where people are voluntarily heading down that road and going after people because the federal government is asking. That should go through a correct

process here in the courts.

SENATOR PALUMBO: Through you, Mr. President, will the sponsor yield for another question, please.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator. So in that regard, I guess the specific question is, however, if they choose to act contrary to this language, what happens to the police officer? Is there some sort of a penalty? Is it misconduct? Is there a fine or something else?

SENATOR KRUEGER: No, we do not deal with any kind of penalties or fines in the law, so I don't think that we would be doing anything to the police officer.

Although it's an interesting issue, only because it's somewhat parallel to concerns that various communities have had around ICE enforcement over the last few years, where we've established local law about not cooperating with

ICE in going after people that they may believe don't have legal status. But we do not, in most cases in New York, want our police to be cooperative in those situations.

So I think it's a fairly parallel situation. And every once in a while you hear a story coming out and something gets resolved or not. But I don't think it's been a huge issue. And I don't think it's been a real issue in any of the other 15 states that have legal marijuana, even though they're under the same federal law as we are.

SENATOR PALUMBO: Through you, Mr. President, will the sponsor yield for another question, please.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator Krueger.

Now, moving on, regarding the Public Health Law schedule, the -- marijuana was part of the Public Health Law schedule, 3306, I think it

is. That was ultimately needed -- yes, in Public Health Law 3306. It was removed, and now moved into at least the definition of a drug under the Vehicle and Traffic Law. Is that accurate?

SENATOR KRUEGER: Okay.

SENATOR PALUMBO: Okay, thank you. And I know there was some concern -- would the sponsor yield for another question, please.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR PALUMBO: And I know there was some concern from the District Attorneys Association because under New York law, to prosecute someone for driving while ability impaired by drugs, it needed to be on that Schedule I. And since it was removed, it needed to be somewhere else in the law, otherwise you'd not be able to prosecute someone for using marijuana.

So in that regard, there's another section of law -- and it probably is more

commonly referred to as the Dram Shop Law. That's where someone is responsible for providing someone with alcohol. In some sections, if you serve a visibly intoxicated person, you can be liable for their negligence.

In Section 3 of that, General Obligations Law 11-103, there's compensation for injury caused by the illegal sale or providing controlled substances. And specifically, the term in Section 5, "'Controlled substance,' when used in this section, means and includes any substance listed in Section 3306 of the Public Health Law."

And that is a rub, because I do not see anywhere in this bill -- and if you could direct me to it if it's here -- that now, if someone provides, for example, even to a minor -- there's another section where if you have a house party, you get a bunch of teenagers drunk, one of them drives and kills someone, that's obviously -- the prohibition and the deterrence is you don't have parties like that because these kids will go out and hurt someone.

Now, by removing this from the Public Health Law, there is no provision for

marijuana. So right now you can do so with impunity unless that's corrected. And please direct me, if you can, to a different section if it's addressed.

SENATOR KRUEGER: I'm thinking. So I don't think it would be with impunity, because you're not supposed to be selling or giving marijuana to people under 21. And you used the example of the kids are at your house and you're letting them use the marijuana or they -- that they either had themselves or you bought it for them, is that the implication, that you bought your kids marijuana and let them have a party and share it with their friends? Is that the example?

SENATOR PALUMBO: Through you, Mr. President. Yes, you can -- you can either buy it for them or they can drink at your house.

And there's one section that's for commercial distribution for bars and restaurants, and then there's another section that's really for social hosts, that you can't give minors alcohol.

And so my concern is that, yes, you would be in violation of this act, subject to --

I think it's a $200 fine, and that's it. So if I as a parent let my kids use cannabis and marijuana at my home, and their friends, and even my own children do it, I would be personally liable if it were alcohol. And, prior to this bill, I would also be personally liable because marijuana was listed in Public Health Law 3306.

So there are additional ramifications that I hope, Senator Krueger, I hope you'd be willing to address that and clean up that loophole. Because since it was removed from that Public Health Law schedule, there is no alternative, like we prepared and you crafted for the Vehicle and Traffic Law regarding DWI or driving-while-ability-impaired prosecutions.

SENATOR KRUEGER: So again, it would not be for selling to an under age 21 -- you know, with alcohol you used the example of it's a bar or a restaurant. Since there won't be bars or restaurants that are selling marijuana -- or if they were, they wouldn't be able to legally sell to an under-21, so that would be a violation.

So again, I think we're talking about a specific storyline that you are allowing

someone under 21 to socially consume, with your knowledge, and you are over 21 and they are under 21. And the question is, is there any penalty.

SENATOR PALUMBO: Thank you, Senator Krueger.

SENATOR KRUEGER: And we're still looking, because I'm not -- I hear you and I understand the issue. (Pause.)

So -- all right, so we do understand the question, and we think there are a couple of different answers. And you're right, I think we probably can make things clearer over time.

But, one, if you are giving the product away, my counsel points out that that is the equivalent of selling it, and it would be the same penalty whether they sold it to a minor or whether they gave it to a minor, even in a private-home situation.

Then there would also be the putting a child at risk, and there are penalties for that.

So it may not be exactly the parallel with alcohol in state law, but there would be ways to penalize whoever was giving away marijuana to under-21-year-olds.

SENATOR PALUMBO: Thank you, Senator.

SENATOR KRUEGER: Thank you.

SENATOR PALUMBO: Through you, Mr. President, if the sponsor yields for another question.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator. And I do appreciate that. And at a former period of time I was a narcotics prosecutor, and that's something that I certainly get that -- the aspects of that, and that would typically be for controlled substances. But the trial lawyer in me also says that we've got this one section of the General Obligations Law, is such impairment "by unlawfully selling to or unlawfully assisting or procuring a controlled substance for such person." So it's really even gifts.

And under the -- as you certainly know, under the Penal Law, a gift, giving a

controlled substance is the same as selling, as you just mentioned.

So I have one more area, if I may, just to ask a few quick questions on. And that is on page 86, regarding searching vehicles. There are some limitations now regarding this, that a police officer may not use as the sole grounds to search a vehicle the fact that they smell burnt cannabis. Is that accurate? Is that your understanding?

SENATOR KRUEGER: Just -- I'm sorry, so smelling burnt cannabis is not in its own right proof of ... (Pause.)

The smell of burning cannabis is not a basis for searching the vehicle because cannabis is no longer contraband. It can be evidence of, along with other things, of the belief that cannabis has recently been used by the people in the vehicle.

SENATOR PALUMBO: Thank you, Senator.

And through you, Mr. President, will the sponsor yield for another question, please.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR PALUMBO: And, Senator, in that regard, as we go further down on page 86, line 50, that essentially they cannot use that as their sole basis. But if it's to investigate, from what I understand, a possible driving while ability-impaired by drugs, then they can use that to further investigate.

However, we turn to the next page, paragraph 87: "During such investigations the odor of burnt cannabis shall not provide probable cause to search any area of a vehicle that is not readily accessible to the driver and reasonably likely to contain evidence relevant to the driver's condition."

Can you tell me why you limited search or the scope of the search area?

SENATOR KRUEGER: Yes. It's intended to make it clear that if there's the odor of burnt cannabis coming out of the trunk, that is not evidence that the person driving the vehicle was involved with recently using cannabis. So they're two different questions.

And since having cannabis or the remains of cannabis in one's trunk is no longer illegal, it shouldn't really be relevant.

SENATOR PALUMBO: Will the sponsor yield for another question, please.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: I shall.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And now equating this, though, to alcohol, if there was a DWI stop and you saw maybe a bottle of vodka in the back seat or in the trunk you smelled what smelled like alcohol, that might possibly be indicative and further consistent with your investigation. That might also aid law enforcement in reaching the proper conclusion as to whether or not someone's been driving while ability-impaired.

So can you rectify that for me, please?

SENATOR KRUEGER: I would just advise that having a bottle of vodka in your

trunk isn't evidence of drinking and driving. So it's parallel to cannabis in your trunk doesn't mean you were using cannabis during the course of driving or in a recent time period. And having alcohol in your trunk doesn't mean that the person up-front was drinking either.

SENATOR PALUMBO: Thank you, Senator Krueger.

On the bill, please, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you, Mr. President.

And now, in fact, in that regard, in two of my cars you can get to the trunk from the back seat. You just have to pull the seat down, or even the little section in the middle of the seat, if you want to store skis or something along those lines. So there is access to the trunk from anywhere in the vehicle.

And some of these issues -- and we understand and I think it's certainly relevant that there were goals regarding keeping the investigation narrow, I should say, to just specifically what's relevant and what may

actually be usable evidence, so to speak, regarding someone's driving while ability-impaired by cannabis.

But you know, people are smart and they know better. People ditch stuff when police show up. They throw things out the window. They throw things in the trunk. So in that regard, there is something called the automobile exception in the law, where if you find contraband or evidence of some contraband, then ultimately that would give you the opportunity to search a vehicle.

If you have reason to inquire that someone has been using drugs in an area that is mobile, like a vehicle -- a small vehicle, it's not like it's a tractor-trailer -- I think you should have access to that entire vehicle for the purposes of a search. Because if it discloses some sort of -- some contraband, like -- or something that -- or cannabis now, it's not contraband anymore, if this passes, which we assume it will -- then that is relevant to the investigation, because now let's couple this -- because I've handled many of these on both sides of the aisle. Let's couple this with the ability

to keep our streets safe and prosecute driving while ability-impaired by drugs. Because under 1194 in the Vehicle and Traffic Law, you can only compel someone to take a chemical test in the event there's serious physical injury or death to someone other than the driver.

So an occupant in a one-car crash, another vehicle, then you can get a warrant. In all other situations, you can't.

So you now have someone who can refuse to take your field sobriety test and just -- for example, and this is just from my experience of many years as a prosecutor dealing with many of these, some involving serious injury or death and some of them not -- most of them not.

The indicators of driving while ability-impaired by drugs are very different. In fact, there's a battery of three tests that a police officer gives for DWI -- usually walk and turn, horizontal-gaze nystagmus, and the one-legged stand. Those three together have a fairly high degree of probability of the result.

For drug recognition experts, DREs, it's about 10 different -- very different

types -- vertical nystagmus, all these different tests they perform in order to get to that conclusion.

Now, if you're pulled over, you don't have to take those. So just regarding that search issue, if there's someone that you've got, you don't have a DRE -- there's only 300-and-some-odd of them in the entire state. They need to get there within a reasonable period of time, so you have just a police officer who's making some assumptions, maybe they have a verbal admission. Having drugs in the car would possibly aid in the prosecution. So my point is this --

ACTING PRESIDENT BENJAMIN: Senator Palumbo, you're out of time. If you could wrap it up in the next 30 seconds.

SENATOR PALUMBO: I certainly will, Mr. President.

ACTING PRESIDENT BENJAMIN: Thank you, sir.

SENATOR PALUMBO: My point is this. That this is, without an actual valid test that exists right now, like the handheld Alco-Sensor, like a Breathalyzer, other than -- it's somewhat

invasive to take a blood test. The urine test doesn't have a very high probability of showing level of impairment, so blood is right now basically the only gold standard that we have.

So without that, this is making our streets dangerous. And to do this now, when we feel we have to do it -- I read something today that drug overdose deaths since 2019, in a little over 20 years are going to surpass, this year, the total number of casualties across all major U.S. wars. Two hundred years of wars. And we're struggling now with depression, with a pandemic.

I think this is a bad idea. We don't need to do this now. Let's let this roll itself out slowly, let's get some sort of a chemical test, and then we can revisit then.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Borrello.

SENATOR BORRELLO: Thank you, Mr. President.

Would the sponsor yield for a question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Happily.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR BORRELLO: Senator Krueger, thank you for your endurance today. Appreciate it.

As you and I have discussed, I am opposed to this bill and to legalization of recreational marijuana. But I do believe if we're going to do this, we need to do it responsibly. And I have a lot of questions that I'd like to talk about -- not a lot today, but I'd like a few today.

First and foremost, you know, I'm in the hospitality business. And I'm a little concerned about the disparity between several things that are requirements in the hospitality industry that are not going to be so strict when it comes to cannabis. Let's start with the licensing.

I know firsthand how difficult it is to get a liquor license. If you have been convicted of a crime, a felony, or anybody that's involved with your operations has been convicted of a felony, you are highly unlikely to be able

to get a liquor license. That has been the case for a long time. It stems back to the days when the Mafia was involved with licensed liquor establishments so they could launder money, because criminals like to find a way to launder the money.

Yet here -- and this is my first question -- it's my understanding that this bill is going to allow individuals who have been convicted of felonies for drug dealing to be able to receive a license to cultivate, process and distribute or sell marijuana. Is that correct, are convicted criminals allowed to get licenses?

SENATOR KRUEGER: For certain categories, yes.

And of course a major portion of this bill is to expunge the records of people who got caught up in the criminal justice system involved with cannabis.

So our goal is to expunge the records of people who had cannabis convictions and open them up to be able to be full citizens where they can apply to actually work legally in this business, where they have no risk of problems with getting an education because they

had a cannabis record, or being able to apply for certain kinds of jobs, or being able to live certain places.

So yes, part of the goal of this law is to ensure that people who may have been participating in an activity that was illegal will now be able to become taxpayers, owners, work in stores, et cetera.

SENATOR BORRELLO: Thank you.

Mr. President, will the sponsor yield again.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR BORRELLO: Okay. So we've established that we are going to allow criminals to be able to get licenses. Unlike with the liquor licenses, we're going to allow criminals to get licenses for cannabis.

So that being said, you brought up records for marijuana, we're going to expunge that, because it's now legal. However, oftentimes people are convicted of multiple

things. So if someone has been convicted of selling marijuana but also been convicted of selling other drugs, like meth or heroin, or had a weapons charge, would they be excluded from getting a cannabis license?

SENATOR KRUEGER: So if they've done their time and the agency handing out licenses determines that they believe they can be a trustworthy, reliable businessperson in this field, then they will be allowed. And it will be through a regulatory process and evaluation.

SENATOR BORRELLO: Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR BORRELLO: Okay. So just so we're clear, someone who's been convicted of, you know, selling methamphetamine and maybe had some weapons charges, maybe slapped his girlfriend around a little bit, he's still eligible for having a license, unlike alcohol.

SENATOR KRUEGER: He's done his

time. I don't think there's any exclusion for any of these categories.

SENATOR BORRELLO: Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Crimes involving fraud in business are not allowed. The crimes that you've mentioned could conceivably still allow someone.

And, I'm sorry, and yes, I accept the next question.

SENATOR BORRELLO: Thank you for the further explanation.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR KRUEGER: Yes.

SENATOR BORRELLO: Okay, so that actually kind of dovetails a little bit to my next question.

So you're saying fraud, they've been involved in fraud. However, you know, if you're talking about someone who's been in criminal activity, you've basically made an income selling drugs -- and in your case that you mentioned it

could be selling any drug, it could be selling weapons -- and you've made an income, you haven't reported that income. So aren't those people in fact committing business fraud? Because they're not reporting that income.

So how -- but those folks will still be eligible, right. So I'll ask again, will those folks that are criminals be eligible for cannabis but not alcohol?

SENATOR KRUEGER: So if they have that conviction on their record, yes, then I think yes, they would not be eligible.

SENATOR BORRELLO: Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR BORRELLO: So just -- I want to make sure we're clear. Are you aware that there's a very, very high standard for alcohol and there's a tremendous amount of liability when it comes to being a licensed establishment?

So I know that the bill prohibits people from smoking or vaping marijuana in a licensed establishment, for example, a liquor-licensed establishment, like a bar or restaurant. But does that also prohibit them from consuming like an edible, which typically is much more potent than smoking it? So would someone be able to consume an edible legally in a licensed establishment where they're prohibited from smoking it?

SENATOR KRUEGER: So here's the dilemma. Since it will be legal, you may be walking around with it. And if you go into a restaurant and you take your gummy, I don't know that anybody will know whether you've taken your gummy or not. And we don't want to make that particularly illegal. Even though I do recommend people not mix alcohol and marijuana, and that's quite a bit of the effort in the bill, to make sure that we're not mixing these products.

SENATOR BORRELLO: Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR BORRELLO: Thank you for that.

So as a licensed operator myself, a liquor license, there's a few things that concern me, especially with what you're talking about. So what you're saying is you can walk in. Now, for the most part you cannot bring alcohol into a licensed liquor establishment that you didn't purchase there. That's because as an operator, I am responsible for you being sober. I'm responsible for your intoxication level.

Yet someone could walk in with a handful of very potent gummies, consume them on-premise, buy one beer from me, for example, or any other licensed establishment, leave that establishment, get into an accident and kill someone.

In that scenario, especially with all the restrictions that we now have where, you know, these people are going to be -- it's going to be difficult to stop these people because of all the freedom that they're going to have to consume and drive -- in that scenario that I just

described where someone had one beer and, unbeknownst to that licensed operator, had several intoxicating gummies, has an accident, kills someone, is that licensed establishment liable for that?

SENATOR KRUEGER: I would say no.

But it might be that somebody's going to have to be doing testing of the people in the accident and play that out. I mean, I think that must happen now.

If I go into your establishment and I am -- I don't know -- an oxy addict or taking some type of prescription drug and I decided to pop too many -- and I know that the bottle said don't drink and mix it with this pill, but I did -- and then I leave your establishment and I get into a car and drive, what's the storyline now? I think it would be exactly the same storyline.

SENATOR BORRELLO: Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR BORRELLO: Well, I would disagree with that, only because you're talking about someone doing something that is essentially illegal. If they consume too much or if they're taking prescription drugs that weren't prescribed to them, that in itself is illegal.

So -- and I guess I'm not really making a question so much as I am a point, but --

(Overtalk.)

SENATOR KRUEGER: They could be prescription drugs that weren't prescribed --

SENATOR BORRELLO: We're saying now that we are essentially encouraging folks that they can buy gummies, for example -- I'm just using that -- any edible, anything that's really nearly impossible to detect -- walk into a liquor license establishment where that owner, that small business owner who's life and the lives of his family depend on that liquor license being in place, is now going to be assuming an unreasonable risk by having to determine whether or not that person is consuming far too much intoxicating material on that person's premises.

So we've created this I guess

unnecessary risk. So shouldn't we be mitigating that risk for those folks? Because we're passing a bill that should be responsible. Shouldn't we be mitigating that risk?

SENATOR KRUEGER: Well, the irony is that exists right now. We don't know, when somebody comes in your bar, whether they have used marijuana before they got there or are popping other illegal drugs or not. They are wandering around the world, they are using what they use. And so we face this risk in reality today.

The plus about making marijuana legal specifically under this bill is we're going to be investing a significant amount of money in education about the dangers of drugs, including the dangers of mixing drugs. So that I actually think we will have a better-educated population, perhaps who will choose not to mix alcohol and marijuana, mix alcohol and other drugs, and even not take those other drugs, period, because we're both going to be educating them to the dangers of doing so.

And the research coming out of states that have legalized marijuana is it

decreases the use of far more dangerous opioids. It reduces the number of people who are having overdoses from opioids, whether legal or illegal. And so there are actually quite a few pluses that come out of having a legalized marijuana system and decreasing use of other drugs.

But you're right, in a world where there are lots of different products and it's easy to get them and the mixing of some of them is a really bad idea, just like using alcohol or marijuana or heroin and getting behind the wheel of a car is dangerous, those realities are there.

But I don't think we're increasing those realities, we're just talking about something that's already happening out there in our state.

SENATOR BORRELLO: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Borrello on the bill.

SENATOR BORRELLO: Senator Krueger, thank you again for the debate. Appreciate it.

You know, I have been opposed to this for many reasons. I have been talking about the dangers of this irresponsible legalization of

recreational marijuana since my time as a county executive, because I see firsthand county governments, especially, on the front lines.

But as a business owner, I pointed out just in a few questions the dangers the state is now going to be sanctioning. The state is now going to sanction some horrible unpredictable risks on behalf of every small business owner here in New York State, particularly those in the hospitality industry that have to already deal with these issues, and now it is going to be state-sanctioned.

Our job here is to ignore the noise, ignore the political leanings of one way or another, ignore what is often special interests speaking loudly that don't necessarily speak on behalf of everyone, and try to craft good legislation that's in the best interests of New Yorkers as a whole.

So while I understand that there are many New Yorkers who think that we need to do this, but I don't believe this is the way to do it.

I mean, let's look at the comparison that I made before about a licensed alcohol

establishment and a licensed cannabis. If you are a convicted felon, you are essentially barred from operating a licensed establishment that serves alcohol. But if you're a convicted felon, you go to the front of the line to get a cannabis license. How is that fair and equitable? How is that right? How is that protecting the best interests of the people of New York State?

We've made great strides when it comes to drunk driving. It's taken 30 painful years, if not longer, to get to where we are right now, which is a greatly reduced amount of deaths on our roadways due to alcohol. But now we're about to take a tremendous step backwards. Because with alcohol, the key was strict enforcement. People know that if you have too much to drink and you get behind the wheel and you get pulled over, you're going to be arrested, your car is going to be impounded, you're going to go to the police station, you're going to have to make an embarrassing phone call for someone to help bail you out. Then it's going to cost you thousands of dollars. You're going to lose your license for sometimes years. That's how we got

to where we are.

Contrast that with what we're about to do. This bill says that if you get pulled over and you're stoned while driving but you haven't caused an accident yet, the police essentially can't do anything.

We are saying, the state is saying you have to cause injury or death before we can do something about you driving stoned. That's what the state is about to pass if this bill passes today.

How many times do we say in this chamber if this law only saves just one life, we should do it? Ladies and gentlemen, this bill as it stands is going to cost hundreds if not thousands of the lives of New Yorkers.

So we can sit here and justify it, we can talk about data. But the reality is we know what's going to happen. We know that we set the bar much lower. We know that we're telling people that it's going to be okay to drive stoned, that's okay. And we are going to go back to the days 30, 40 years ago where people died needlessly as a result of bad enforcement.

We are handcuffing our police

officers. We're going to make the jobs of our local public health officials more difficult. We're going to have more issues with Child Protective Services. All those other things that happen when you do something like this and you haven't taken those things into consideration.

So as a result, I'm going to say that while I think there are good intentions here, at the end of the day we have a responsibility to protect New Yorkers. And we are sanctioning irresponsible behavior today. And when the time comes, I'll be voting no.

Thank you.

ACTING PRESIDENT BENJAMIN: Senator Mattera.

SENATOR MATTERA: Through you, Mr. President, will the sponsor yield for a question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR MATTERA: Thank you. Thank you, Senator Krueger. Through you,

Mr. President.

Senator Krueger, is there language anywhere in the bill that would prohibit any employer from requiring that an employee or prospective employee pass a drug test as a condition of employment or pass a drug test as a condition of continued employment?

SENATOR KRUEGER: Through you, Mr. President. There are many different kinds of jobs that exist in the State of New York that already have standards, under federal law or state law, about drug tests. So if you have that kind of job where they can require a drug test, they will be able to require it for marijuana as well.

Not every job are there risks, and not every job falls under federal or state standards, but a lot of them do. Should I read them?

So there's no comprehensive federal law that regulates drug testing in the private sector, but the Drug-Free Workplace Act does impose certain employee education requirements on companies that do business with government, but it does not require testing nor does it restrict

testing in any way.

Drug testing is allowed under the ADA, Americans with Disabilities Act. But the law does not regulate or prohibit testing instead of a comprehensive regulatory system.

Federal law provides for specific agencies to adopt drug testing regulations for employers under their jurisdiction. The Department of Defense, for example, requires defense contractors set up procedures for identifying drug users, including random testing. The Department of Transportation requires industries it regulates to conduct random testing of drugs and alcohol for workers in safety-sensitive jobs as well as testing after accidents and when there is reasonable suspicion of an employee's drug abuse.

The federal Omnibus Transportation Employment Testing Act, OTETA, requires tests for all operators of aircraft, railroad equipment, mass transit vehicles, commercial motor vehicles.

Since there is no federal comprehensive drug testing law, this leaves the field open to state regulation, and many states have enacted different provisions. As a general

rule, testing is presumed to be lawful unless there's a specific restriction not allowing it in state or federal law.

SENATOR MATTERA: Thank you for the answer, Senator Krueger.

SENATOR KRUEGER: Thank you.

SENATOR MATTERA: Through you, Mr. President, will the sponsor yield for another question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, of course.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR MATTERA: Through you, Mr. President. Is an employee who was fired due to a positive marijuana test eligible for unemployment insurance?

SENATOR KRUEGER: It probably depends on the facts and circumstances. If they were in any of the categories of jobs that all these different laws applied to, then when they got fired it would be due to their own use of drugs when they knew that they were facing a risk of being tested and penalized.

So I would say if you're in any of the categories where your employer does choose to test and has told you they do so, you're probably not going to win your unemployment case.

SENATOR MATTERA: Thank you.

Through you, Mr. President, will the sponsor yield for another question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Of course. I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR MATTERA: Thank you, Senator Krueger. Through you, Mr. President.

Senator Krueger, can you -- can an employer put a policy in place to prohibit marijuana use entirely by staff, especially in certain industries where impairment could cause serious safety concerns? For instance, could law enforcement or other groups implement a policy that prohibits use entirely?

SENATOR KRUEGER: So you might not be able to have a total across-the-board ban unless you were in the categories that I read to you about federal funding, or the transportation,

or there was categories of the kind of jobs you were involved with where it would be considered a public safety issue.

But just somebody saying, No one can ever use marijuana and work here -- you know, if there was federal funds, I think our police would have trouble, for example, because most of them use federal funding with their jobs. I think anybody who's obviously working in transportation, transit, construction, operators of heavy machinery. But I think a universal across-the-board ban would be a little harder to win on.

SENATOR MATTERA: Thank you, Senator Krueger, for answering my questions.

Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Mattera on the bill.

SENATOR MATTERA: Thank you, Mr. President.

I am voting no today since the damage this legislation will cause to our children and our society far outweigh any potential benefits. Legalization will impact workplace safety, affect New Yorkers's health,

impede our fight against drug abuse, and endanger our children.

As a labor leader, the issue of workplace safety has always been paramount to me. Our state should be doing all it can do to protect our workers, and this legislation has a likelihood to do the opposite. That will put our residents in danger. And as a building trades member, this legislation will be a liability to our contractors and to our men and women, hardworking men and women of labor.

Additionally, one of the most glaring shortcomings of this legislation is how it fails to address the impact of roadway safety. This legislation will make the jobs of our law enforcement more difficult. While the legislation enables the study of techniques to detect marijuana use during traffic stops, the reality is that none exist. Simply put, we have put the cart before the horse.

And on a very personal note, I am voting no since I have personally seen the impact this drug has on our youth. I have watched members of my family struggle with its power. In my experience with family, this drug led to

harder drugs and caused my family wide issues that continue to this day.

This is a danger that is not unique to my family. Our state's own Department of Health has signified that 30 percent of users can become addicted. Addiction professionals, the very people that we should be relying on regarding this matter, are against legalization. And with the current crisis affecting the mental health of many of our residents, this will just add to the problems we as a state are facing.

Simply put, as a father, husband, community member and labor leader, I am voting no on this legislation to protect all of our residents from the unseen and ignored dangers of this legislation.

I'm just going to be speaking from my heart. My family members have gone through drug addiction. Very sad what I've been going through, and it started from marijuana. It went from marijuana right to Adderall to cocaine and then to acid. All this is doing, especially in our colleges -- this is serious. This is a gateway for our young children. It's problems. This is a disaster waiting to happen.

Even with my members in the construction field going to work every day -- every day working, going and smoking pot and then going back to work with power tools -- it's a huge liability. Our contractors are against this. The building trades are against this. Construction is the backbone of the economy. And guess what's going to happen? We're pretty much saying, Go ahead, you can go smoke pot and get high, and the next thing you know, going back to work with power tools, because you can't detect anything.

This is a total disaster. Mr. President, I will be voting no on this terrible bill. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Lanza.

SENATOR LANZA: Thank you, Mr. President.

Would the sponsor yield for some questions.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Of course.

SENATOR LANZA: Through you,

Mr. President, I just want to clarify a few things I heard.

First of all, the sponsor, Senator Krueger, acknowledged that marijuana is still illegal under federal law. And while this legislation prohibits law enforcement in New York from assisting federal law enforcement agencies, if a person in New York is found to be smoking marijuana in public, for instance, or in possession of quantities of marijuana, would not that New Yorker be subject to arrest by a federal law enforcement agency?

SENATOR KRUEGER: Yes. Senator Lanza is correct.

SENATOR LANZA: Would the sponsor yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. Senator Krueger, does that not set up an impossible situation for New Yorkers who, under this legislation, would be allowed to do certain things in New York which would then subject them to arrest by an FBI agent or a

law enforcement agent?

SENATOR KRUEGER: Through you, Mr. President. This bill doesn't force anyone to use marijuana. And of course we know a huge percentage of New Yorkers are already using marijuana, facing risk from both federal law and state law.

So we're decreasing the risk by removing the state penalty penalties, but the federal are real. But none of it's stopping anybody from using marijuana.

SENATOR LANZA: Will the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. Did I hear correctly that a person can be guilty and have been convicted of an unlawful gun charge and still be able to receive a license under this legislation to sell marijuana in New York?

SENATOR KRUEGER: We're

double-checking for you, Senator Lanza. (Pause.)

We cannot find a specific prohibition.

SENATOR LANZA: Will the sponsor yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President, am I correct in my understanding that this bill both legalizes the recreational use of marijuana and then uses the proceeds to educate New Yorkers that they ought not use it?

SENATOR KRUEGER: That they not use it?

SENATOR LANZA: That they ought not use it.

SENATOR KRUEGER: Yes, Mr. President, through you. The revenue from this program will be used in a variety of ways, including public education of the dangers of drug use, including the risks of marijuana use, the risks of alcohol and tobacco, and the risks of the very serious drugs that so many New Yorkers are finding themselves addicted to in the world

of opioids.

Twenty percent of the revenues from this law will be used specifically for ongoing drug treatment as well as education about drug dangers and prevention.

I never said there was no risk to marijuana. I didn't get to make my opening statement yet -- I will, Mr. President -- but I would have highlighted that there is some danger and risk from the use of marijuana. It has shown to be less than that that comes from tobacco and alcohol. We tax and regulate tobacco and alcohol. We don't give people criminal records. With this law, we will be taxing marijuana and regulating marijuana, not giving criminal records.

But it doesn't mean I'm encouraging everybody to go out there and use marijuana. And in fact, the data coming in from some states that have legalized marijuana is that they actually see a decrease in use over time, particularly among young people. But again, this isn't a bill about young people using marijuana. This is a bill that only legalizes from 21 up.

So people have all kinds of concerns

about their children and their teenagers using marijuana, tobacco and alcohol -- as they should, Mr. President. And we should be doing a better job at educating them as families and as teenagers about the dangers. But we don't, and it's all going on right now.

So this bill will finally give us some revenue streams to have specific programs operating statewide.

SENATOR LANZA: Will the sponsor yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. Does the sponsor believe that the CDC is a reliable and trustworthy authority with respect to disease and health in America?

SENATOR KRUEGER: The record was great until about the four-year period that Donald Trump was president. I think they're working to get their reputation back.

SENATOR LANZA: Will the sponsor

yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. Is the sponsor concerned that the CDC and other authoritative organizations cite that people who use marijuana are three times more likely to become heroin addicts?

SENATOR KRUEGER: I think I would have to look at the data in the context of the full research.

What the CDC has shown and most drug experts have shown is that marijuana is not a gateway drug to other, stronger drugs.

Having said that, if you were going to end up on a more dangerous and more addictive drug, it is quite possible that you started with marijuana or alcohol. And it is true that some people have more addictive personalities. And whether you put marijuana in front of them or heroin in front of them or beer in front of them, they are going to have a different reaction to it than people who do not have even a genetic predisposition to addiction.

But the vast amount of evidence that has been done in this country now for 75 years is that using marijuana is not evidence that you will then go on to stronger drugs or become addicted to them.

SENATOR LANZA: Will the sponsor yield, please.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. I would just cite that the CDC disagrees with that statement.

Through you, Mr. President. And again, this is the CDC speaking, and other authorities, health authorities around the world. Is the sponsor concerned that the CDC and other authorities note that marijuana, when smoked, delivers numerous carcinogens to the body and that this -- that marijuana use will increase the rate of cancer in the State of New York?

SENATOR KRUEGER: Through you, Mr. President, I am not aware that there is a

direct correlation between a growth in cancer and the use of marijuana.

Now, it may be true that there is some developing research, but I don't believe I have seen any.

It is true that the medical community by and large agrees taking burning substance abuses into your lungs is not a great idea. So cannabis can be mixed with other products that could be more dangerous than the cannabis itself, or cannabis can simply be a leaf like tobacco that you burn and inhale and it causes problems.

I'm quite sure that the Lung Association recognizes that the real risks are tobacco when you're talking about inhaling burning products, but I'm not going to tell you that there may not be some evidence for burning it -- cannabis in your lungs.

I say the good news is that you don't have to use it that way. And if we have a legal market, as we have learned from the medicinal market, there are many more options available to you for using cannabis products without having to burn it and inhale it into your

lungs.

So I think it would be an advantage of a legalized program over the current system, where pretty much people are just using it and burning it.

SENATOR LANZA: Will the sponsor yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. You know, I have a libertarian streak in me which leads me to have less concern with respect to adults using marijuana. My primary concern here is how this is going to affect the young people in our state, and obviously with respect to how this is going to affect the safety, especially on our roads. So I have a few questions concerning those issues.

Through you, Mr. President, is the sponsor concerned that numerous studies, both in this country and around the world, have demonstrated that marijuana use by young people causes permanent brain damage?

SENATOR KRUEGER: Through you,

Mr. President, I am concerned. That's why this law starts at 21. I'm not supporting young people using marijuana.

SENATOR LANZA: Will the sponsor yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Through you, Mr. President, yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. So let's get to that.

The sponsor indicated that this is not a program for children and also said that under this legislation we -- I suppose she meant law enforcement -- will not be picking up or stopping kids.

So if that's the case, what will happen to a young person that is found to be in possession with marijuana in the State of New York if this is passed?

SENATOR KRUEGER: The penalty for being underage and having it is very minimal. The penalty is on the person who got it for you.

So what's interesting is if you talk to some people in police, DEA, judges, they'll tell you marijuana is easier to get for teenagers than alcohol or tobacco because at least with alcohol and tobacco, they either have to get fake I.D., which is getting harder and harder to get I.D. that works in today's world of technology, or they have to find some adult who's willing to go out and get it for them.

So they tell me that actually legalized marijuana will make it tougher for kids to get it than it's available now. I don't know about the rest of the State of New York; I know in the City of New York that you and I share and love, I'm advised that all five boroughs, including Staten Island, you can use apps and get marijuana delivered in 15 minutes. And nobody's asking for your I.D. because it's an illegal system.

I would far prefer that we have a legal system where it's actually pretty hard for someone under 21 to go out and get marijuana. I think it actually advantages us who are concerned about young people starting with drugs.

SENATOR LANZA: Will the sponsor

yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President, given that answer that the penalty for a young person possessing, let's say, a half a pound of marijuana will be subject to very minimum enforcement -- I'm not sure what that means, but it sounds like there will be no enforcement or there will be no penalty.

Through you, Mr. President, doesn't that send a message here in New York to young people that it's okay to use marijuana, given the fact that there isn't a penalty, given the fact that the state is now saying that it's legal, given the fact that there are many people who don't use marijuana specifically because it is unlawful -- doesn't this send a message, given human nature, to young people who now wake up and read in the paper that New York says marijuana is okay, it's legal, and there will be no penalty for you, a 16-year-old, a 17-year-old, to possess

it? Doesn't that logically mean and lead to the fact that more young people are going to use marijuana in the State of New York?

SENATOR KRUEGER: Through you, Mr. President.

So to clarify an answer before, there is a penalty, and it's maybe a $25 violation, plus community service, plus education about the danger of drugs. So we don't have any of that now, except you can end up in the criminal justice system. As opposed to alcohol, underage alcohol, where we also were not putting you through the criminal justice system, nor are we offering any of those other penalties or services.

I think what's crucial to understand here is yes, we are saying marijuana is less dangerous than alcohol or tobacco, so we're pretty much going to treat it the same way -- as opposed to treat it as a dangerous drug, which it is not, and penalize you as a young person as if you have committed a crime.

Because that's really what started me down this path, Mr. President. We are arresting young people by tens of thousands per

year, moving them through some level of the criminal justice system, in some cases ruining their lives because they had a couple of joints in their pockets. And Mr. President, they are statistically Black and Brown young people.

My district is disproportionately Caucasian. The data shows my teenagers are using marijuana at higher levels or exactly the same levels as the young people in your district just north of mine, Mr. President, where they are much more likely to be Black and Brown. Or throughout the State of New York, in any community or neighborhood, where if they are Black or Brown, the statistics go as high as they are 68 times more likely to get caught up in the criminal justice system for using a product that is less dangerous than alcohol or tobacco.

And we are, we are ruining lives. These are young people who then may never be able to take a civil service exam and get a job as a good-paid worker in the City or State of New York. These are young people who might be told they can't live with their families in public housing because it's federal housing. These are young people who might be told they're

not eligible for grants and loans to continue their education, when we know that's the most important thing for them to do to be able to grow up and be a participant in our society.

So I'm not really very worried about holding onto criminal penalties for young people, who we know will experiment, because that's what young people do.

I dare any of my colleagues here in this room to say that before they were 21 years old they hadn't tried alcohol or tried marijuana. Not everybody tried marijuana, but everyone tried alcohol. And I started using marijuana when I was 14 years old. Now, by the time I was 17 years old, I had zero interest, and have ever since had no interest. I did try it once again when I was age 19 at the Rocky Horror Picture Show Friday midnight viewing in Chicago. But pretty much it was just because they were passing it down the rows. You couldn't avoid it. But even then I knew, at 19, this was something I had no interest in.

So we've all done that, been there. Nobody threatened to take my college education away or put me into the criminal justice system.

And yet I have listened, by going to hearings throughout the state, by talking to colleagues throughout the state, of the unequal justice system we have, just in marijuana alone. And there is no excuse for it.

So sure, I don't want people under 21 to use it. They are using it now. If they're using it somehow when we legalize it, at least we'll know it's a safe product, a product that is actually what it's advertised to be, hopefully not being sold by a cartel behind the building, but legally somehow. And that they won't get themselves into worse trouble or caught up in something else. Because that's what everybody wants for their kids.

And everybody knows that teenagers like to break the rules and like to do whatever their parents tell them not to do. And the most interesting thing in answer to the Senator's question, in the 15 other states that have legal marijuana, when they watch what has happened over time, do more people use marijuana? People our age are using the marijuana. Teenagers are actually using less of it. There's not that much coolness about using the same drug your

parents are using.

And so we actually haven't seen an increase in teenage using by legalizing marijuana. And people are imagining horrendous things will happen here. We're not inventing this idea. Fifteen other states have legalized marijuana. This state has the largest illegal marijuana market in the country. Nobody disputes us on that. We're trying to make it safer. We're trying to make sure that when you go in to buy something, you know what you're getting. We're trying to not use up police resources and court resources and DA resources picking up and dragging kids through a criminal justice system they never should have been in.

These are all rational, good policy reasons to support this. And despite all of my colleagues today explaining why this would be disastrous, it's simply not true. And it's not true in much of the world at this point. It's not just the United States. We are behind much of the world in our policies, and we are behind many of our neighboring states.

And so I know it is Senator Lanza's floor here to continue to ask me questions, and I

am prepared to as long as he likes. But I really think we've missed the boat here even in the discussion we're having.

Excuse me, Senator Lanza, I needed to rant.

SENATOR LANZA: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: I commend my colleague for the effective use of the filibuster -- or as she described, the rant.

Let me -- knowing a lot of young people, being the father of young people, let me tell you how they're going to interpret that answer. They're going to see that answer as meaning that yes, it is all right to use marijuana, that there will be no repercussions, that there is no penalty.

I'm not looking to put anyone anywhere. I'm not looking to take away anything from anyone. But the message clearly emanating from this room to the young people of New York is if you want to use marijuana, do it, New York

says it's all right. And my concern is that that's going to lead to higher rates of cancer, brain damage.

And when you want to talk about "these people," we don't want to do things to these people, to these kids -- what we will be doing, I believe, is permanently affecting the trajectory of their life.

But I don't have much time, so I'm going to move on to a couple of questions on the road safety.

So I hear a lot of comparisons, Mr. President, between marijuana use, impaired driving, and alcohol use and impaired driving. And Mr. President, there is absolutely no scientific connection between the two. This law, Mr. President, would make driving while high fall under the impairment charge, which is like getting a parking ticket, Mr. President.

When it comes to alcohol, Mr. President, if you are a little impaired, it's a parking ticket. If you're really, really, really drunk, it's a crime. And we can discern that, Mr. President, because of the difference between alcohol and marijuana. Alcohol is

measurable. There's a specific rate in which it leaves the body. Marijuana cannot be measured in that way. Marijuana does not leave the body that way.

And under this law, Mr. President, an officer, a police officer making a stop would actually have to name the drug. And if the driver refuses to give the name, which the driver is constitutionally protected to do so, and if the driver refuses to be subjected to a test, well, then, there goes the case.

Through you, Mr. President, doesn't that concern the sponsor, that driving while impaired by marijuana, driving while highly intoxicated by marijuana, will be virtually impossible to prosecute and enforce in the State of New York under this legislation?

SENATOR KRUEGER: Through you, Mr. President, it won't be virtually impossible. We're already finding people guilty of impaired driving with marijuana. We already have people who unfortunately use marijuana and drive and need to be caught and stopped.

Would we like a perfect world where you have a blood alcohol test in the back of

every police car and could rapidly give the test? Sure. I would love that. We've committed in this law to starting to use it as soon as it is created, and we have academic research that it works.

Interestingly -- and I'm sure Senator Lanza knows this -- we depend on the science of the blood alcohol test, when there was an expose a few years ago that most of them are flawed. And we don't have a great system for alcohol either, and we should try to get that fixed as well.

But we do have one for alcohol. We don't have a simple one for THC, which can stay in your body for weeks even though you haven't used it in a time period where it would impact your driving -- or your capacity to drive and use equipment.

But states are functioning fine out there. Fifteen states are using basically the same system we're incorporating into our state law. And far more states are using similar systems for catching people who also are using marijuana when it's not legal, because marijuana is heavily used in all 50 states, whether or not

they have taken any steps to legalize.

But the states that have legalized have not seen growing increases in problems from incapacitated driving or more dangerous roads. And some research shows the opposite. I'm keeping an open mind, but I'm quite confident that the world does not end because we legalize and we use the system and the skill sets that we have from our police officers.

The same as my colleague says am I worried that we are going to have children doing things that can harm them. Nobody ever wants children to do things that harm them, and sometimes they do those things. I do not believe that legalizing marijuana for people over 21 is in any way sending a message to children that now it's okay for you. And it's going to make it harder for them to get.

And every parent should be talking to their children about the risk of those marijuana and other drugs. And what's been fascinating to me, spending seven years trying to get this bill to the floor, is how many parents tell me: Well, I can't talk to my children about that because it's not an issue for them.

And I beg them to go ask, Do you know kids who use marijuana? And they come babbling and they go, Oh, my God, my children know all about it. Everybody has friends who use it. Everybody knows how to get it.

And it wakes up the parent to know they need to have that conversation, both at a much younger age, but take it much more seriously.

So I actually think even this debate today on the floor, if it makes people turn to their kids and say, So, the news is filled with this marijuana issue. I'm really worried about it. I really don't think it's a good idea for you to try it at this young age. Even if it just gets parents to have that conversation, this will have been a huge victory for educating families about what the reality is.

Because, again, rural New York, suburban New York, urban New York -- your kids have access to marijuana. You just don't know where they're getting it from or whether it's mixed with other things or whether it's dangerous people that they're buying it from.

So even though we disagree, Senator

Lanza, this conversation in its own right is worth it, as far as I'm concerned.

SENATOR LANZA: Will the sponsor yield.

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR KRUEGER: Yes, I will.

SENATOR LANZA: Through you, Mr. President. Certainly I'm going to, after all this, going to go back home to my children and talk about whether or not they should listen to politicians.

I will say, with respect to that answer -- because, Mr. President, no disrespect meant to anybody, but I truly believe, and we obviously differ and disagree on this point -- I truly believe that as a result of this law, the health, safety and well-being of our children is going to be severely affected.

But I will say, Mr. President, through you, that the district attorneys, both Democrat and Republican, across the State of New York disagree with everything Senator Krueger just said. And they have said -- and they are

the experts -- that because of the differences between alcohol and marijuana, that they will be powerless, powerless to enforce driving while intoxicated with marijuana on our roads. That's what they say. It's not just what I'm saying.

And so I just -- two last questions. Through you, Mr. President.

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: So the taxpayers of New York pay tens upon tens of millions for the biggest government in America. We have the Health Department, they're supposedly experts, although I'm not sure people believe that anymore after the pandemic here in New York. And we have other agencies. We have thousands of experts.

Has the sponsor or has anyone asked the Department of Health, law enforcement or any other agency or any other expert here in the government how many more deaths on our roads this legislation would lead to. And I'm not asking -- through you, Mr. President, I'm not asking the sponsor what she believes, I'm asking whether or not we have anything from the Department of

Health or other agencies with respect to that question.

SENATOR KRUEGER: Through you, Mr. President, I don't believe the Department of Health measures -- oops. They're not throwing things, something just fell.

I don't believe the Department of Health in New York State measures causation from death on roads, so I don't know that they would be the correct ones to ask.

But there is national research that does not show an increase in vehicle deaths between states that have legal marijuana and illegal marijuana.

Now, it's a fair question. People weren't measuring cause of death and having marijuana on a list when it's not legal. So really the question is how much impaired driving correlates to death. And I don't know that we have enough national data yet to really give you a better answer than in the states that have legalized, they have not seen any significant increase and, in some places, decreases. They have seen decreases in deaths from other drugs because states that have legalized marijuana have

seen reductions in overdoses from opioids and other drug products.

We do know the research shows marijuana does not lead to illness or death by use. You asked me an earlier question, will someday we see some correlation to lung cancer, and I told you that I don't think evidence exists yet but that it's a bad idea for people to take burning products into their lungs.

But as far as you use marijuana and you get some kind of medical illness, sickness or death, that is not the case. It does not seem to have any evidentiary correlation to a growth in suicide, although that was mentioned earlier. It does not have a correlation to -- I think psychosis might have been said, I'm not sure. And I'm not sure it was by you, Senator Lanza, so I want to be careful.

But the concept that we're trying to make legal a drug that is going to cause some serious jump in death or illness from a variety of sources simply -- there simply is not evidence there to back that up.

SENATOR LANZA: Will the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Mr. President, through you. I would just point out that, contrary to what was just said, there are numerous studies, including one by the Insurance Institute for Highway Safety, that in the states where it's legalized, like Colorado, Nevada, Oregon and Washington, not only is use significantly higher, which is the only logical conclusion one could draw from these types of things, but also that motor vehicle crashes and driving while intoxicated with marijuana is up significantly. And in fact, in Washington, it's twice what it was before they legalized it.

So you can disagree there, but there are studies that support exactly what I've just said.

So I'm just going to ask one more question. And I do really appreciate the sponsor for this discussion.

And I -- through you, Mr. President, I want to commend the sponsor for all the work. We disagree, but that does not mean that I cannot

recognize the hard work she has dedicated here and the poise and intelligence that she brings to the discussion.

So finally, through you, Mr. President, could the sponsor --

ACTING PRESIDENT BENJAMIN: Are you asking the sponsor to yield?

SENATOR LANZA: Yeah.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Could the sponsor tell us why and whether she's concerned that leading health organizations -- not one or two or three, many -- leading educational organizations -- not one or two or three, many -- just about every district attorney across the State of New York, multiple law enforcement agencies, the Medical Society, fields -- just about every field of medicine here in New York has come out and opposed this legislation, saying in effect that based on all their expertise -- which the organizations I've just mentioned, Mr. President, cover just about every area related to this topic, between law enforcement

and health and everything in between, like education. Mr. President, can the sponsor tell us why she thinks that is the case and whether or not that concerns her?

SENATOR KRUEGER: Through you, Mr. President. I think I know why law enforcement and the DAs are uncomfortable with this. They have pretty much not liked any of the criminal justice reforms this Legislature has been involved in passing into law in the last several years.

And I think the messaging follows suit consistently, depending upon any topic that we might go into in criminal justice reform.

On medical, it is true that the Medical Society in New York has opposed. I have done many presentations and panels with doctors from the top hospitals in this state who support legalizing marijuana and support this bill. There are individual medical societies for specialties that have actually been crying out for expansion of medical marijuana.

The addiction specialists have been calling out for legal, because they know how many people are self-medicating for so many issues

with whatever they can get, and they would rather that they have a safe product that can be evaluated and measured and that it is helping to move people off of more dangerous drugs.

So I do understand this is controversial. This is changing laws that people have lived under for a long time. But it's also true public opinion polling is in favor of this law, Mr. President. Not that that's how anybody should make their judgments. But the public, by and large, does support our changing these laws.

The 15 other states that have passed these laws have not seen any of the horrors come to bear fruit as described by some of my colleagues convinced, I don't know, that pretty much everything imaginable bad that could happen would happen.

The country of Canada to our north, quite a few countries in Europe, the Middle East, Latin America have all legalized. None of these horror stories have happened.

And the bottom line is we made marijuana illegal as a pattern of outgrowth on prohibition when we knew that prohibition didn't work for alcohol or pretty much anything else in

this country, but we remained letting marijuana stay on the books and continue. And that it was actually started out as something that was frightening American farmers because it was getting grown in Mexico and they were very worried about this country of Mexico and what it might be sending north.

And so it's almost like you know what the truth is, you know what the concerns are. The people who said it was a gateway drug -- do you remember "Reefer Madness"? Anybody else here remember that movie? That was made in World War I to terrify the soldiers going across to Europe from using any of these dangerous foreign items and ending up -- with foreign women, I don't know.

So it was "Reefer Madness." It wasn't true then. It's not true now. I'm not trying to tell everyone go out and use marijuana. In fact, just the opposite. Think really hard about it. Be careful. Learn about it. But it is ridiculous that it's basically 40 percent of arrests, 40 percent of the arrests. And we are wasting lives. We are wasting generations of lives. We are wasting our criminal justice

budgets, our court budgets, our DAs' time and effort. Let them go out and deal with real criminals and real crime. We've got it. Just don't continue doing this.

So thank you, Senator Lanza. I don't know if you had another question.

SENATOR LANZA: No, I just -- through you, Mr. President, the question I had was about concern for all these agencies opposing it.

But Mr. President, I know I am over my time. I want to thank you, Mr. President, for your indulgence, the floor chair here on the Majority, and of course Senator Krueger. I truly thank you all.

ACTING PRESIDENT BENJAMIN: Are there any other Senators wishing to be heard?

Seeing and hearing -- seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 64. This act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

Before I start, I just want to say this has been an amazing debate here today. I want to thank all of my colleagues. But I particularly want to thank Senator Krueger.

You've done an outstanding job on bringing this bill to the floor today. It took you seven years. And when you think about it, Senator Krueger, it's been seven years since we brought the medical cannabis bill to the floor here in the New York State Senate. And that bill was widely debated. That was a five-hour debate. And some of the people who voted for the bill the last time, they're no longer here, but some of them are. In fact, Senator Lanza voted for the medical cannabis bill. After much debate and much discussion, he accepted the -- he and many others accepted that we should legalize medical cannabis.

And when we did it, it was a very narrow program. We did not have the support from

the Executive that we really wanted. He was very concerned about the creation of a medical cannabis program here in the State of New York, and he insisted on creating a narrow program, very small, with limits and with a seven-year sunset.

And over the seven years we had to increase the program and improve it. And today we're going even further. And I want to thank Senator Krueger for taking the ideas that I had about expanding the MRTA to include the expansion of medical.

This program will include a number of improvements to the medical program that will make it easier for patients to access medical products and practitioners to prescribe life-changing medical care.

The changes to the medical program include expanding the list of conditions eligible for treatment with medical cannabis. It increases the prescription supply from 30 days to a 60-day supply. And most importantly, it allows for the whole flower to be sold, which will be incredibly important to patients. It will bring down the cost.

The bill also contemplates that while the Office of Cannabis Management is being set up, the Department of Health will continue regulating the medical program and is authorized to immediately implement these critical changes that patients are desperate for.

I want to commend the sponsors of the bill for having the foresight to include this in the process and provide patients with the relief that they have been so desperate for. Expanding access to caregivers, creating more opportunities for people at various levels of the program, removing the prohibition on smoking, removing the requirement that medical cannabis has to be grown indoors, authorizing designated caregiver facilities and designated caregivers, research licenses -- the list is endless. Allowing the registered organizations to have the opportunity to participate in the adult program and doubling the number of dispensaries that they have.

Those are just some of the things that are really going to go towards improving this program. But we still have more work to do, and we'll be coming back to this floor with some

ideas.

But I just want to address a couple of the points -- and I know I'm going a little bit over, but please indulge me, Senator Benjamin -- that have been raised here today about marijuana use.

And that's not to belittle any of the concerns that have been raised, whether it be will young people continue to use marijuana, how will we deal with our road safety issues, what kind of a message are we sending. I would just say to my colleagues keeping it illegal will not change a single issue that was raised here today. But what it will do is continue to criminalize people unnecessarily for something that just doesn't make any sense.

For a state that has grappled with addiction and the opioid crisis over the past few years, I would hope that we had all learned something. Addiction is a disease that affects just about every family -- mine no exception. It is a biopsychosocial disease. There is not one single drug that takes you down that path. It's in you. You've either inherited it, you've been exposed to it, you've been socialized to it. So

it's not what takes you down the path. So the idea of the gateway drug is really just somewhat silly.

We should have learned from this experience, though. For too many years we have created a system where we have this idea of good drugs and bad drugs. If you get addicted to a good drug, we save a chair for you in a 12-step program. If your addiction is to a bad drug, we save a jail cell for you. That's what we're trying to correct here today with this.

We're not going to solve addiction. What we are doing is rightsizing or correcting a system that says if you have a drug problem and this is it, you go to jail. If you're addicted to alcohol, we send you to an AA meeting. That doesn't make any sense.

We can fix that. We can create a legal, regulated market. We can derive some revenue from it. We can resocialize the way people think about marijuana. And we can also make sure that young people don't get access to it. That's what today is about.

And I want to thank Senator Krueger for getting us here today. And I thank all of my

colleagues for their thoughtful comments. And this is a really good day for us, and I'm just proud to be here with you.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Savino to be recorded in the affirmative.

I want to make the announcement that we will be enforcing the two-minute rule.

Okay, Senator Rath to explain his vote.

SENATOR RATH: Thank you, Mr. President. I rise to explain my vote.

But before I do so, I want to say thank you to Sponsor Krueger and all of my colleagues for a spirited and thoughtful discussion today. It ought to be spirited and thoughtful; the stakes are very large.

I rise to explain my vote on a bill that really speaks to the misguided priorities of this chamber. Not only does it show misguided priorities, but it also shows a lack of due diligence. We have numerous groups coming out on this legislation to share their concerns, from PTAs to youth groups, addiction specialists, mental health experts, law enforcement and

district attorneys, which was previously mentioned.

I understand that this legislation has been around for quite some time, but that does not mean that the necessary and important conversations have been had with the aforementioned groups. And their addresses and their concerns have not been heard. This is simply not the case.

We have law enforcement and district attorneys indicating that they do not have the tools to deal with those driving under the influence of marijuana. These are the very tools that they need to keep our roads safe.

Additionally, we have many areas of the state that are battling with drug addiction and the opioid crisis. In fact, just last week in Erie County, which is a part of my Senate district, we saw five opioid-related overdoses in one day. Drug overdose deaths and mental health crises have increased drastically during this pandemic, and this appears to be greatly underprioritized and overlooked in this legislation.

Aside from the community impact, the

Majority continues to place power directly back in the hands of the Governor. The Cannabis Control Board and the state Cannabis Advisory Boards will be made up by a majority of Governor appointees. It is laughable that the Majority continues to say that they support coequal branches of government when they keep allowing the centralization of power back within the control of the Governor.

It is also important to remind my colleagues that our communities are facing extremely challenging times, between the ongoing pandemic, economic hardship, vaccine distribution, returning our students full-time back to school. The list goes on and on. And yet we are focusing on legalizing marijuana.

Lastly, I am deeply concerned that a driving force behind this legislation is revenue. With all the concerns laid out from the various community stakeholders --

ACTING PRESIDENT BENJAMIN: Senator Rath, how do you vote?

SENATOR RATH: -- revenue should be the least important thing and public safety the most important thing.

For this reason, Mr. President, I'll be voting in the negative. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Rath to be recorded in the negative.

Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Mr. President.

Nobody can say that Senator Krueger did not do our due diligence on this bill. She met with group after group after group. Every concern that was raised in my district, I brought to her, was addressed in this bill. And it is a model of how legislation should be done -- by listening, by meeting, and by incorporating ideas to address concerns.

So I want to thank Senator Krueger not only for her years of work on this, but her responsiveness to constituent needs. So it's important that we understand how much input went into this bill.

And we've heard this, as Senator Krueger said, this "Reefer Madness" notion of what is going to happen. We are not about to entice new users. This is about taking

an existing marketplace that is illegal, making it legal, and using the tax revenue for a social good.

As somebody who's in long-term recovery myself, I am not promoting people use marijuana. I don't propose -- promote that people drink alcohol. That is an individual choice that adults have made. And if people are worried about their children, talk to your children. Marijuana is currently being sold in every middle school and every high school in New York State. So this law has nothing to do with enticing our children. What we need to do is have honest conversations with our children.

We talk about what other states are doing. I went to Massachusetts and spent a day in Massachusetts doing my due diligence. And you know what they said was the number-one impact of legalization? It was cars from New York State coming to buy marijuana. And that's tax revenue of adults making choices leaving.

Senator Krueger in this bill has addressed police and DWI, local opt-out for municipalities -- I will finish in one second, Mr. President -- as well as 40 percent going to

education.

And we talk about substance use. We've heard a lot about substance use disorder. It has been underfunded in this state for a decade. And 20 percent of the revenue goes to substance use disorder treatment and drug education.

For those reasons, I will be voting aye. Thank you, Mr. President. Thank you, Madam Chair.

ACTING PRESIDENT BENJAMIN: Senator Harckham to be recorded in the affirmative.

Senator Hinchey to explain her veto.

SENATOR HINCHEY: Thank you very much, Mr. President.

The legalization of marijuana opens up tremendous opportunities for upstate New York in districts like mine -- from economic development opportunities to supporting our main streets, to bringing in tax revenue to our local municipalities, to expanding markets for our agricultural community and our small farmers. And I personally have seen the benefits of the medical marijuana in my immediate family.

Legalization also opens up an entire

new industry in industrialized hemp, which I believe upstate New York could be the leader on. This creates jobs, it helps our climate. It's something that we could be capitalizing on. And with the passage of this legislation, we can do that and we can lead that here in New York.

This bill has married real economic opportunities with strong social justice and social equity. These structures make sure that these who have been most affected by the criminalization can build a business and can benefit from this moving forward.

And so with that, I would like to thank the sponsor of this bill, Senator Krueger, for working so hard and so diligently over so many years to not just get this right, but to make sure that everyone across New York State is positively impacted by the passage of this legislation.

And so with that, I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Hinchey to be recorded in the affirmative.

Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President.

So, my colleagues, I rise in support of the bill this afternoon. But let me give a little background, if you don't mind. Marijuana was first prohibited on a statewide basis in New York in 1927, in a state statute that became the forerunner for other broad drug laws.

The Senate and the Assembly have negotiated a three-way agreement to finally eliminate this prohibition, legalize and regulate marijuana, and make related changes to the law.

The agreement is largely based on the framework of Senator Krueger and State Assemblymember Peoples-Stokes' Marijuana Regulation and Taxation Act, incorporating some elements found in this year's Executive Budget.

I rise, as I said earlier, to support this bill, as a long-time supporter of the legalization of cannabis with an understanding of how New York's outdated marijuana policies have historically hurt Black and Latinx communities. I am glad to see that our Senate majority has gotten it right.

And we believe that it's time to stop the ineffective racial bias and unjust enforcement of cannabis prohibition in New York.

And we came together to work in unity on a framework for a well-regulated and inclusive cannabis industry that centers equity, is rooted in racial and economic justice, and reinvests in communities that have been the most harmed by cannabis criminalization.

We made sure that this process was not just about revenue but also about health, environmental, racial and economic justice. This agreement prioritizes reinvesting in our communities hardest-hit by the infamous war on drugs, like the Black and Brown neighborhoods in my district and across New York State. And this is a win for all of us who advocate for progressive change.

And before I conclude, let me just explain to you some of the key elements. All revenue raised from the sale of adult-use cannabis will go into a new Cannabis Revenue Fund. The remaining revenues will flow in three funds: 40 percent for the State Lottery Fund for Education; 20 percent to the Drug Treatment and Public Education Fund, which will finance additional drug treatment programs, school-based prevention, early intervention and healthcare

services --

ACTING PRESIDENT BENJAMIN: Senator Jackson --

SENATOR JACKSON: -- as well as public health campaigns to teach the public about responsible cannabis use; and --

ACTING PRESIDENT BENJAMIN: Senator Jackson --

SENATOR JACKSON: -- 40 percent to community grants --

ACTING PRESIDENT BENJAMIN: -- how do you vote? Unfortunately, we have a two-minute time limit.

SENATOR JACKSON: Sure. Thank you, Mr. President.

So I rise, as I said, to thank Senator Krueger and Assembly Majority Leader Peoples-Stokes, and I vote aye on this bill. Finally, after seven years, we finally have it.

Thank you.

ACTING PRESIDENT BENJAMIN: Senator Jackson to be recorded in the affirmative.

Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President.

First I want to thank Senator Krueger for not only her debate today, but her willingness over the last few years to listen to me and others who had doubts about this bill and to work with us to address the concerns voiced by my constituents. And so many have been addressed. This is a better bill than it was, and I'm pleased to be voting aye.

There's no question that our existing policies about marijuana have failed to live up to the promises we made. They no longer protect young people from access, as the debate made clear, nor do they protect against the terrible scourge of racial inequity that this marijuana situation has led us to.

So we have a glaring disparity. And today we are taking a step forward with a thoughtful, reasoned approach that addresses many of the educational concerns I have for young people, and at the same time begins to address the terrible disparities among race and class that have plagued us.

I know there are deep concerns in my district and across the state from parents and others about the impact on young children, and

particularly those of early middle school age. But there are important safeguards built into the bill that begin to address these issues.

And I look forward to working with the sponsor and others as we see how the bill rolls out to make the changes that need to be made. I'll be listening to my law enforcement community, to my parent community, to the school community, to continue to improve the bill.

I have no illusions that we are at a difficult point. But in balance, I support this legislation. It is a safe and thoughtful approach to bringing more justice to New York and to addressing legitimate concerns about how to legalize recreational marijuana.

As I vote aye, I pledge to continue to work to listen to my constituents while we move to greater justice for all New Yorkers, which is our goal and our obligation.

So I want to thank not only Senator Krueger, but Senator Stewart-Cousins, our Majority Leader, for giving us a path forward to find a solution to this problem that I believe is in the best interests of all New Yorkers.

I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Mayer to be recorded in the affirmative.

Senator Brisport to explain his vote.

SENATOR BRISPORT: Thank you, Mr. President.

I rise because when I was 19 and walking through the Village with a friend, he was yanked by a plainclothes police officer, pushed against scaffolding, and handcuffed. His crime? Matching the physical profile of a suspected weed dealer in the area.

When I asked the officer to show a badge or read my friend his rights, he pulled out his gun, pointed it directly in my face, and told me to back up. So I'd like to be clear. A plainclothes police officer almost shot me in the face over weed.

How many would-be future State Senators have been accidental casualties of the war on drugs? How many would-be future teachers, doctors, lawyers, scientists?

Today we're talking about legalizing a substance that is safer than alcohol, and passing this bill is the rational thing to do.

But anti-cannabis sentiment has also been consciously used as a tool to criminalize, penalize and drastically expand the scope of mass incarceration.

Passing this bill is also the just thing to do. I'd like to celebrate the expungement of records for people who have possessed or used this substance. I'd like to celebrate the Community Reinvestment Fund. It's critical that as we move forward, we undo the harms that have already been caused to communities of color.

We can move further. All simple drug possession should be decriminalized. The police should be defunded and the money redirected into drug treatment and rehabilitation so that communities can heal.

The step we're taking today is a momentous step in the right direction. I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Brisport to be recorded in the affirmative.

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

Prohibition and criminalization are racist, Mr. President. The criminalization and the prohibition of drugs is racist. You can find the evidence of it in everything that has occurred in communities like the ones that I represent, going back generations. Even though many numbers can tell you the fact that people, regardless of their race, use drugs at about the same rate.

Funny enough, the folks who are arrested, the folks who are penalized, the folks who have their lives changed, communities that are ravaged, all just so happen to be, Mr. President, in Black and Brown communities.

So what we're doing today is we're taking a step back, and then we're taking five steps forward to erase the harm -- to start to address the harm that criminalization and prohibition has done to communities like the ones that I represent.

The work of my colleagues needs to be lauded. Senator Krueger, amazing job on the floor today. The job of our leader, to bring this to the floor. But most of all, to all of those folks and all those activists who over the

years have told us how much this needs to change.

To those communities that have been ravaged and destroyed, we've heard you, and now we needed to fix it. With this bill, we start on that road.

I vote aye, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Rivera to be recorded in the affirmative.

Senator Reichlin-Melnick to explain his vote.

SENATOR REICHLIN-MELNICK: Thank you, Mr. President.

Today's vote to legalize, regulate and tax the use of marijuana by adults is historic.

In considering this issue, I have met and spoken with advocates, community members, medical professionals and members of law enforcement, some who support and some who oppose marijuana legalization.

This is a difficult topic. It's one which reasonable people can disagree on. Ultimately, though, I believe that ending marijuana prohibition and bringing it out of the black market and into a well-regulated and taxed

open market is an important and necessary step.

Some people are asking why we're voting to legalize marijuana. Our current approach is simply not working. We spend countless millions of dollars on law enforcement, locking up thousands of New Yorkers for minor violations, disproportionately in Black and Hispanic communities. And all for what? A drug that is arguably less damaging than alcohol and certainly less dangerous than legal prescription pain pills that takes the lives of tens of thousands of Americans every single year.

And even on its own terms, our approach has been a failure. Marijuana is widely available in our communities, including in high schools and even in middle schools. Legalizing, regulating and taxing marijuana will bring the black market into the open, allowing the state to set critical safety and licensing standards that will ensure people using marijuana are doing so as safely as possible.

Of course no drug comes without risks. People can and do abuse marijuana and become addicted, as they do with alcohol. But when people abuse alcohol, we work with them to

get them help and treatment. We don't react by criminalizing wine and beer.

The same should be true with marijuana. While most who choose to use the product will do so responsibly, we can direct the attention of law enforcement to those who continue to illegally deal drugs and focus health and mental health resources to those who suffer from addiction issues, who will now be able to seek treatment without fear of prosecution.

Many other states understand this and have acted to legalize and tax marijuana, including two states that border us, Massachusetts and Vermont. New Jersey voted last year to legalize. Connecticut is expected to follow suit. Millions of New Yorkers will soon be able to drive across state lines a few minutes to purchase marijuana. If we failed to act, marijuana would be nearly as widely available as if we legalized it, but we would not get any of the benefits of increased tax revenues or the ability to --

ACTING PRESIDENT BENJAMIN: Senator Reichlin-Melnick, how do you vote?

SENATOR REICHLIN-MELNICK: -- make

our own decisions about how to regulate the market.

It's time for common sense in how we deal with drugs. I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Reichlin-Melnick to be recorded in the affirmative.

Senator Kaplan to explain her vote.

SENATOR KAPLAN: Thank you, Mr. President.

I'd like to begin by thanking the bill's sponsor, Senator Krueger, members of the Majority Conference, and the Senate staffers who have worked tirelessly on the legislation before us today.

This bill is a combination of years of hard work and dedication to getting the best bill possible for New Yorkers. And I believe there have been a lot of important changes made to the legislation that will help undo the damage caused by years of failed drug policy and lay the groundwork for a safe, well-regulated, legal cannabis market that exists within a region where several states have already taken the steps to legalize recreational marijuana.

However, I have long-held concerns and have spent the last few weeks speaking with constituents, faith leaders, school superintendents, local substance abuse experts, and law enforcement. And there are still valid concerns about taking this step to legalizing recreational marijuana at this time -- particularly around its impact on young people, on rates of addiction, which are already skyrocketing due to the pandemic, and on roadway safety.

Long Island already leads the state in traffic fatalities, especially those that involve alcohol. And while there is promising technology on the horizon that may help law enforcement to hold impaired drivers accountable and serve as a deterrent to keep impaired individuals from getting behind the wheel in the first place, without that technology in place, I believe this effort is premature and I must cast my vote in the negative on this bill.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN:

Senator Kaplan to be recorded in the negative.

Senator Cooney to explain his vote.

SENATOR COONEY: Thank you, Mr. President.

I'd like to thank the leader and Senator Krueger for their leadership. For those of us who are new to the Senate, we stand upon their shoulders and we are grateful for their leadership in bringing this landmark legislation today.

I was proud to serve as the cochair of the Marijuana Task Force for the Black, Puerto Rican, Hispanic and Asian Caucus. We wanted social justice to be at the center of this legislation, and it is.

This was also essential to the Rochester community. The war on drugs has decimated our Black and Brown neighborhoods. In Monroe County, you are 16 times more likely to be arrested for a low-level marijuana drug offense if you are Black than if you are white.

And in addition to reversing a culture of overpolicing, this legislation reinvests in our communities. For Rochester, this means real investment in education, in workforce training, and in drug and substance abuse programs for treatment and education.

I also want to note the good progress as it relates to our existing medicinal marijuana providers, one of which is located in my district in Rochester. This is good for patients. As of the effective date of this bill, our medicinal marijuana providers can utilize patient-centered improvements. Patients can benefit from the whole flower and physician discretion for qualifying conditions, and will not be left behind as we pass this landmark bill.

Mr. President, I am proud to vote in favor of this legislation. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Cooney to be recorded in the affirmative.

Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Mr. President.

Let me just thank first Senator Krueger for her tireless work and effort on this bill, Senator Savino for her work on the medical program.

You know, I remember June 20, 2019, when we passed the decriminalization of marijuana. And it was the five-year anniversary of the medical program. And every time, we've

done some incremental work. But today we've achieved greatness, in my opinion.

In addition to Senator Krueger and Senator Savino, I want to thank our great leader, I want to thank all of the advocates. I want to thank Kassandra Frederique and Chris Alexander, who lobbied me actually for a sealing bill when we were in the Minority. Who would have thought that we would have made it this far.

So we think about these things, about justice, inequity and fairness. And it's about doing the right thing. Because as you can tell, Mr. President -- well, not you can tell, I'm going to tell you, I am a member of the never-tried-it caucus. But even though I am a member of the never-tried-it caucus, I think about the inequity and the injustice and unfairness about the arrests that's happened. We've heard things about 68-to-1 black arrests versus white arrests in Buffalo. We've heard things about in the fourth quarter of 2020, 149 arrests in New York City. Of those, 80 were Black, six were white.

I think about Tupac when he said: "And still I see no changes, can't a brother get

a little peace? There's war in the streets and war in the Middle East. Instead of war on poverty, they got a war on drugs, so the police can bother me."

And we think about this Nixonian war on drugs where it's been admitted that there was a war on drugs to intentionally divide the Black community. And now, we finally are looking to get a piece of the pie.

But most importantly, that piece of the pie, economic sustenance. Forty percent going into social equity. Forty percent going into education, making sure that as Senator Krueger has said, she's not espousing the use of it, but she is making sure that the money goes to where it needs to go. And that's so critical.

You know, we talk about the phrasing of impact and we talk about a gateway, of this being a gateway drug. Mr. President, for so long the gate has been locked for people in communities of color. We have not been able to access the pathway. The gateway will be open, cooperative economics. All of these things that we have been deprived of in the State of

New York, relating to the unequal and unjust enforcement of marijuana and cannabis in this state, will end with this bill.

I proudly vote aye, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Bailey to be recorded in the affirmative.

Senator Sanders to explain his vote.

SENATOR SANDERS: Mr. President, thank you. Thank you to Senator Krueger. Thank you to all of the people who have been involved in this. Time does not allow me to give them their proper respect.

Today I bring you the greetings and the position of the 10th Senatorial District on this issue. We are no stranger to these things. We have heard that there was a war on drugs. All we saw was a war on the poor. All we saw was the biggest criminals never went to jail. I'm talking not simply the cartels, but the banks that allowed them to wash their monies and get away with these things. These folk never went to jail.

If we want a true war on this stuff, then we should have a true war.

Now, I am not really in favor of

this, I must admit. My colleague before said that he was of the type that never tried it. And I remember Bill Clinton, the President, said that he never inhaled. Me and my group, we said we never exhaled.

So I know a little something of this. And I know the dangers of this. And on a personal level, I urge everyone not to participate. But the greatest danger is the mass incarceration that this thing brought about. The greater danger was the incredible injustices wreaked upon these communities. The greater danger was the death and destruction of human life and potential by jail and things of that nature. Those were the greatest dangers.

Now, there's some things good about this bill. We can speak of the economic inequality, the equity, social equity that the Senators and Assemblypeople tried to put in here. These things are good. As the author of MWBE, I absolutely applaud those things.

Respecting the time that we had, if we had time, we really could speak and go into this. But time is not our friend.

I will say this. On behalf of the

good people of the 10th Senatorial District, judging and weighing the legalization versus the continued criminalization, we say we're in favor of this bill with all the perturbations that we have, but soundly --

ACTING PRESIDENT BAILEY: Senator Sanders, how do you vote?

SENATOR SANDERS: -- in favor of this bill.

Thank you very much, Mr. President.

ACTING PRESIDENT BAILEY: Senator Sanders to be recorded in the affirmative.

Senator Sepúlveda to explain his vote.

SENATOR SEPÚLVEDA: Thank you, Mr. President, for allowing me to explain my vote.

I rise today as a person who enthusiastically will vote in the affirmative for this bill. For far too long, Black and Brown communities have been disproportionately penalized for the use and sale of marijuana.

As we all know, the war on drugs was a war on people, a war on people of color, a war on people that look like me, a war that was

grossly unfair to our communities.

The legalization of cannabis, marijuana, pot or whatever term you would like to use is not enough, and that's why my colleagues fought hard to address the wrongs of this war on drugs. The bill will help the state provide 40 percent revenue for our schools, 20 percent for drug treatment, and it will reinvest in communities banned and harmed by the war on drugs through automatic expungement on convictions that are no longer criminalized, by establishing a 50 percent licenses going to equity application and the elimination of penalties for possession of less than 3 ounces.

In 2019 we met in this chamber to vote to decriminalize the use of marijuana. Today we meet in the same chamber to finally legalize it and repair our communities. I would like to thank Senator Krueger, our Majority Leader, Andrea Stewart-Cousins, my colleagues in the Senate, my former colleague in the Assembly, Assemblymember Peoples-Stokes, and the advocates for working tirelessly for the language that we could all agree to.

I could not in good faith vote for a

bill that did not include automatic expungement or that did not give back to the communities that the system has taken so much from. This legalization assures that everyone, especially those previously targeted, will have a chance to participate in this new industry.

The legalization of cannabis is long overdue. And for that reason, I vote in the affirmative. Thank you.

ACTING PRESIDENT BAILEY: Senator Sepúlveda to be recorded in the affirmative.

Senator Benjamin to explain his vote.

SENATOR BENJAMIN: Thank you, Mr. President.

I rise as a member of the definitely-tried-it caucus. And I want to start off by saying a thank you to our good friend Senator Krueger for all of her hard work and for her answering a lot of questions. As she knows, I had a lot of questions and a lot of concerns around our bill. And I'll tell you why. I only have two minutes, so I'll be brief.

I'll tell you why. You know, I was very concerned that this bill, when we legalized

it, did not go the same way as medical marijuana, where the majority of the licenses were not provided in a diverse way. And I did not want a scenario where we would legalize marijuana and the cultivation, processing, distribution and the sale of cannabis would be not in hands of the people who have been primarily incarcerated because of marijuana.

I believed, and I believe, that there should be connectivity here. That those who have been incarcerated, communities that have been harmed the most, should be the ones that economically benefit the most from the sale of marijuana.

I believe very strongly that we need to monitor the license distribution. We need to be very clear about making sure that there's a transition from the legacy businesses to this legal market. And I am taking a leap of faith that we will make sure that we focus on that as much as we focus on the social justice issues, which I am completely in support of.

Let me thank Yasmin Cornelius from the New York Minority Alliance, Regina Smith from the Harlem Business Alliance, and Kassandra

Frederique from the Drug Policy Alliance.

And I also want to thank Chris Alexander for really helping me to come to terms that this bill will address not just social justice, but economic empowerment for communities that have been most harmed by marijuana.

And with that, I proudly vote aye.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Benjamin to be recorded in the affirmative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I have so many people to thank, and I won't do it, so I will get in trouble afterwards.

But it's a historic day for New York. I could not be more proud to cast my vote to end the failed policies of marijuana prohibition in our state and begin the process of building a fair and inclusive legal market for adult-use cannabis.

It has been a long road to get here, but it will be worth the wait. The bill we have held out for in this state will create a

nation-leading model for legalization.

New York's program will not just talk the talk on racial justice, it will walk the walk. Ending racially disparate enforcement that was endemic to prohibition, automatically expunging the records of those who were caught up in the so-called war on drugs. And channeling 40 percent of the revenue back into the most hard-hit communities and 20 percent of the revenue into treatment for more serious drug addictions. And then another 40 percent into education again in the communities that need it most. Not to mention building a multi-billion-dollar industry for New York that encourages small businesses while balancing safety with economic growth.

We would not be here today without the dedicated work of my colleague and partner, Assemblymember Majority Leader Crystal Peoples-Stokes, who I believe is debating this bill right now across the aisle in the Assembly.

And endless advocates and activists, like the Drug Policy Alliance and many others. Like Chris Alexander, who started out as a staffer on the bill and became a dear friend.

Even after he left the Senate, he's continued to work so hard to make sure we get to this day.

I particularly want to thank my leader, Senator Stewart-Cousins, for her leadership that helps to make historic progressive action like this a reality.

I want to thank my colleagues for their support of this legislation, many of whom told me I was crazy when I started down this road. And I wondered if I was crazy, because I'm not the obvious person to carry this bill. I don't use marijuana. I don't particularly like it. It's not my community that's paying the price of our failed drug wars.

But I saw such injustice going on. And for young people whose lives were being destroyed for doing something I did when I was a kid, and nobody tried to put a gun to my head, and nobody tried to put me in jail, because I was this nice white girl. And that there was something fundamentally wrong with how we were approaching this whole issue.

So I am very proud to have played a role in what was an enormous task to get us here today.

Thank you, Mr. President. I vote yes.

ACTING PRESIDENT BAILEY: Senator Krueger to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 641, those Senators voting in the negative are Senators Addabbo, Akshar, Borrello, Boyle, Felder, Gallivan, Griffo, Helming, Jordan, Kaplan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 40. Nays, 23.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris, that completes the reading of the controversial calendar.

SENATOR GIANARIS: Thank you, Mr. President.

Is there any further business at the desk?

ACTING PRESIDENT BAILEY: There is no further business at the desk.

SENATOR GIANARIS: I move to

adjourn until tomorrow, Wednesday, March 31st, at 11:00 a.m.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Wednesday, March 31st, at 11:00 a.m.

(Whereupon, at 7:22 p.m., the Senate adjourned.)