



# Assembly Member Jeffrion L. Aubry

## What You Need to Know about New York State Cannabis Legalization



Adult-use cannabis will be regulated within a new office – the Office of Cannabis Management. Together with a 13-member advisory board, the office will carry out regulations with strict procedures for licensing, as well as focus on community engagement and representation by establishing social and economic equity plans.

The 13-member advisory board will be representative of the community with appropriate demographic and geographic representation – it must look like our state and look like the communities most harmed by the war on drugs.

The new law creates automatic expungement or resentencing for anyone with a previous marijuana conviction that would now be legal under the law.

### Adult-use cannabis licensure

The legislation establishes a regulatory framework that protects public safety and enables small, local businesses to succeed in the new market.

The new Office of Cannabis Management will design a licensing system to help manage a host of licensure types and prevent large corporations from dominating the new legal marketplace.

A social and economic equity program will facilitate individuals disproportionately impacted by cannabis enforcement, including creating a goal of 50% of licenses to go to a minority or woman-owned business enterprise, or distressed farmers or service-disabled veterans to encourage participation in the industry. The legislation will create a two-tier licensing structure that will allow for a large range of producers by separating those growers and processors from also owning retail stores. The legislation creates licenses for producers and distributors, among other entities.

**Licensure types range from cultivation to wholesale to retail and some examples include:** Vertical registered organization (RO) adult-use license: allows for medical marijuana companies to join the adult-use market for all categories of licensure

**Microbusiness license:** allows for small businesses to hold a wider range of licenses so they can grow, produce and sell their products

**Nursery license:** opens up a new area for agriculture and clarifies that the production/sale/distribution of clones, immature plants seeds and agricultural products is for the cultivation of cannabis by licensed adult-use cultivators, cooperatives, microbusinesses or registered organizations

### Home-grown cannabis

A person may cultivate up to six total cannabis plants (consisting of three mature plants and three immature plants) at their residence

A total of 12 cannabis plants may be cultivated per residence (consisting of six mature plants and six immature plants)

Utilizing propane, butane or other flammable compressed gases in the processing of cannabis at their residence is prohibited

Any person is allowed to possess up to 3 ounces of cannabis and 24 grams of concentrated cannabis on their person, and up to 5 pounds of cannabis at their residence, which must be safely stored

### Safety on the roads

One or more appropriate higher education research institutions selected by the Department of Health (DOH) will conduct a controlled research study evaluating methodologies and technologies designed to effectively and reliably detect cannabis-impaired driving.

The focus will be on distinguishing between (a) an actual, currently present impairing effect by cannabis on a person's physical and cognitive abilities and (b) the presence of cannabis and potential tolerance from habitual cannabis use.

There will be a report required on the study to be sent to the governor, the Legislature and the DOH by December 31, 2022, and the DOH would then be authorized to issue regulations to approve and certify a test which must be based on the study and produce accurate results

The regulations will also provide for the safe and proper use of the technology.

Adds cannabis to the DWI/DWAI law, so driving while impaired by cannabis can be prosecuted as a misdemeanor.

As under current law, after arrest, if there is reasonable cause to believe the person operated a motor vehicle while intoxicated or while impaired by drugs (including cannabis), a chemical test of the blood, breath, saliva or urine of the driver can be requested.

As under current law, if the motorist under arrest refuses such a chemical test, that refusal, when confirmed at a DMV hearing, will result in revocation of the driver's license for one year plus a civil penalty.

### You Should Know

**The new law adds cannabis to the Clean Indoor Air Act which determines where cannabis can not be smoked or vaped. Some locations include:**

- Apartments with a no-smoking clause on the lease
- Places of employment including libraries and churches
- Bars and Restaurants
- Subways, underground subway stations, buses, vans, taxicabs and limousines
- All places of employment where services are offered to children including youth centers, detention facilities, child-care facilities, child daycare centers, group homes for children,
- All schools and school grounds;
- All public and private colleges and universities
- Hospitals
- Any location that is deemed a no-smoking area by a municipal authority

For further details, please visit the NYS Assembly website at <https://nyassembly.gov/Press/?sec=story&story=96303>

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