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Albany Press Conference: New York State Legislators Renew Push for Marijuana Legalization

Legislators Reintroduce Marijuana Regulation and Taxation Act with Racial Justice and Small Business Amendments

Advocates Launch Statewide Campaign to Tax and Regulate Marijuana

Albany — Today, a coalition of community advocates led by Drug Policy Alliance will join Senator Liz Krueger (New York) and Assemblymember Crystal Peoples-Stokes (Buffalo) to announce reintroduction of the Marijuana Regulation and Taxation Act (MRTA, S.3040A/A.3506A), a bill that would establish a legal market for marijuana in New York. The bill would effectively end marijuana prohibition in New York State and create a system to tax and regulate marijuana in a manner similar to alcohol for adults over the age of 21.

The bill sponsors expect the significant amendments to [legislation originally introduced in 2013](#) to fuel renewed conversation around the need for marijuana reform, as prohibition continues to take a high toll in both human and financial terms statewide.

This updated legislation incorporates lessons learned from the four states currently operating recreational marijuana markets, making this bill the new “gold standard” for comprehensive marijuana reform. By ending marijuana prohibition, the amended Marijuana Regulation and Taxation Act establishes a comprehensive regulatory system geared toward improving public health, reducing criminalization stemming from use and possession, and limiting youth access.

Monday also marks the launch of the [Start SMART NY](#) campaign – Sensible Marijuana Access through Regulated Trade – which is supported by organizations and advocates dedicated to criminal justice reform, civil rights, public health, and community-based organizing. The campaign is dedicated to ending senseless marijuana arrests and citations, creating a public dialogue on collateral consequences and the hyper-criminalization of communities, and building economic power across the state.

“Marijuana prohibition is a failed and outdated policy that has done tremendous damage to too many of our communities. Allowing adult personal use, with appropriate regulation and taxation, will end the heavily racialized enforcement that disproportionately impacts African American and Latino New Yorkers, locking them out of jobs, housing, and education, and feeding the prison pipeline. MRTA is the kind of smart, responsible, 21st century policy that our communities desperately need,” said **Senator Liz Krueger**.

This push for reform also refutes claims that the [harms of marijuana prohibition enforcement](#) are a thing of the past – when in reality New York State has arrested 800,000 for low-level possession over the last 20 years, with arrests climbing as high as 50,000 annually in 2010 and 2011. Marijuana possession arrests [still topped 23,000 in 2016](#) and the [collateral consequences stemming from marijuana possession arrests](#) remain. Despite the arrest decrease, the stark racial disparities in arrests remain consistent: more than 80 percent of those arrested are Black and Latino, although the rate of marijuana use is similar across racial lines.

"I introduced the Marijuana Regulation and Taxation Act because it's time we reform our state's marijuana policy to end biased marijuana arrests and drive responsible economic development across the state – both of which are especially needed in Buffalo," said **Assemblymember Crystal Peoples-Stokes**. "Communities of color have been devastated by bad drug policies and hyper-criminalization for the last 40 years. Prohibition is an approach that has never worked and has caused significantly more harm than good to our communities and to our families—we can do something different, and it's time that we do."

The MRTA underscores marijuana legalization as a criminal justice reform initiative, as it will eliminate one of the top misdemeanor arrests from the state's penal law; expand resentencing and reclassification of crimes for people previously convicted for marijuana, increasing opportunity for thousands of New Yorkers; and remove a positive marijuana test as justification for violating a person's parole or probation. It will also address the devastating impacts of marijuana prohibition in the fields of immigration and family law, and protect against discrimination in housing and employment based on a prior marijuana arrest or off-the-clock marijuana use.

The updated legislation also includes substantial small business–friendly amendments. It will create a micro-license structure similar to New York's rapidly growing craft wine and beer industry that will allow small-scale production and sale plus delivery, reducing barriers to entry for people with less access to capital and traditional avenues of financing. The MRTA also ensures diversity and builds inclusivity in New York's marijuana industry by only explicitly barring people with business-related convictions (such as fraud or tax evasion) from receiving licenses. To increase gender diversity in ownership within the marijuana industry, the MRTA requires entities that receive a license to outline specific actions they will take to produce a workforce that resembles the community in which the license is used, in line with New York's Minority and Women-Owned Businesses initiative.

Eight states and the District of Columbia have now ended marijuana prohibition. Revenue from the regulated marijuana market is giving those states an opportunity to rebuild crumbling infrastructure, support education, and invest in communities. [Data on marijuana use and public safety from states with legal markets show that marijuana legalization has had no discernible negative impact in those areas](#). And, most importantly, residents of those states no longer face the threat of criminalization because of their personal use.

The potential tax revenue for New York from a legal marijuana market is considerable: it is estimated that New Yorkers spend an estimated \$3 billion per year on marijuana in the illicit market. An official study by the NYC Comptroller in 2013 estimated potential tax revenue for a legal marijuana market in NYC *alone* would be more than \$400 million, and acknowledged that the actual revenue could be much higher.

Under the MRTA, a portion of tax revenue from the legal marijuana market will be used to establish a Community Grants Reinvestment Fund, which will be used to provide job training,

promote adult education, support youth development programming, establish or expand community centers, bolster re-entry services for the formerly incarcerated, and otherwise support community-focused programming in communities that have been disproportionately impacted by the drug war.

Additional funding from the regulated marijuana market will be directed to assisting the state department of education to keep public schools open and provide a quality education to New York's children. Another block of funding will be dedicated to public health initiatives, including drug treatment programs to help combat the opioid crisis, science-based public education, and research on public health impacts of marijuana legalization.

“Ending marijuana prohibition is a proven, sound policy that would bring in revenue for the state; support business growth in an emerging industry, especially upstate; and eliminate the problem of racial disparities in marijuana arrest rates. In the first nine months of 2016, 85 percent of those arrested for trivial amounts of marijuana were black and Latino, despite similar rates of use by white New Yorkers. By legalizing marijuana, New York can replace illicit operations with regulated, taxed, American-owned small farms, all while getting rid of one of the biggest drivers of over policing in minority communities,” said **Senator Marisol Alcantara**.

“We need to continue pushing forward policies, like this bill, that will address the ineffective and failed drug policies that have criminalized and overburdened our families and communities for generations,” said **Senator Gustavo Rivera**. “This bill will not only help reform our criminal justice system, but it will also create an additional tax revenue stream that our State unquestionably needs. I am committed to continue working with Senator Kruger and my colleagues in the Senate to pass this measure.”

“We need to move beyond our completely broken prohibition model on marijuana to a sensible tax-and-regulate model,” said **Assembly Health Committee Chair Richard Gottfried**. “It’s widely recognized that marijuana is less harmful than alcohol and our law is dishonest in how we treat it. Continued criminalization of marijuana does not prevent marijuana use. It creates an illegal drug market that costs millions of dollars in law enforcement and other resources while disproportionately affecting minority communities.”

"New York's drug laws, enacted with the purpose to keep our city safe, have had an incredibly unfortunate side effect of victimizing and targeting African American and Latino youth. Nowhere do we see this more than in marijuana arrests. It is almost exclusively African American and Latino youth who are imprisoned, when we all know that it is more than African American and Latino youth who are using and selling marijuana. I support any effort to modernize our drug laws and lower arrests which will not only improve our state economically, but keep our communities together," said **Assemblymember Walter Mosley**.

“I would like to thank my colleague Senator Krueger for sponsoring this bill that will decriminalize the use of marijuana as well as regulate and tax it. Marijuana related charges are one of the most popular convictions. By relieving some of the penalties associated with marijuana, use we are helping our youth and communities of color. This bill will level the playing field and help us improve our criminal justice system,” said **Senator Jamaal Bailey**.

“States across our nation are proving that marijuana legalization and regulation works. New York State should learn from their experience, pass the Marijuana Regulation and Taxation Act, and end policies that divert resources from core public protection needs. Using police time, court time, and the awesome power of our justice system against marijuana leads to arrests and records for

countless people – overwhelmingly people of color – who pose no public safety threat. In fact, any one of the more than 22,000 arrests made in our state last year over misdemeanor marijuana possession could snowball into the nightmare of losing one’s job, losing a license used to make a living, or for immigrants, losing the ability to remain in our country,” said **Senator Jesse Hamilton**. “We must adopt a policy guided by facts and evidence – evidence that grows each day thanks to states like Colorado, Washington, Alaska, and Oregon. I look forward to the day that New York joins states that have passed sensible marijuana laws and I will work alongside colleagues and advocates to add New York to that list of states with more sensible policies.”

“Prohibition has played a significant role in devastating low-income communities of color through racially biased enforcement and has often come with steep collateral consequences. We believe it’s time for a new approach and that approach shouldn’t involve criminalizing New York’s most vulnerable populations,” said **Alyssa Aguilera, Co-Executive Director of VOCAL-NY**.

“Because our country’s harsh immigration laws mandate severe punishment for a wide range of drug offenses, New York’s senseless marijuana policies only help fuel the mass deportation agenda. The moment for New York State to end prohibition is now. It’s good policy for immigrants and for all of us,” said **Mizue Aizeki, Deputy Director of the Immigrant Defense Project**.

“The Cannabis Cultural Association supports the MRTA because it can provide economic opportunities for people of color to work in a legal cannabis market. It’s an injustice that we can fill prisons but not be allowed to take part in the forthcoming industries—that needs to change,” said **Nelson Guerrero and Jacob Plowden, Co-founders of Cannabis Cultural Association**.

“The MRTA is the SMART choice for New York. Only by fully ending marijuana prohibition will our citizens reap the benefits of safe and legal access to one of the safest drugs known to humankind,” said **Doug Greene, Legislative Director for Empire State NORML**.

“It is time that New York State joins the cadre of progressive states that are acting smart on marijuana regulation. New York City was for many years the marijuana arrest capital of the world and the devastation that wreaked on people of color and marginalized communities cannot be overstated. We need to pivot and address the pressing needs of regulation while simultaneously eliminating the criminal consequences of marijuana possession and restoring the previous harms that prohibitionist modalities created. In short, we need New York State to help lead a marijuana revolution, because it’s just, it’s rational, and it’s time,” said **Juan Cartagena, President and General Counsel of LatinoJustice PRLDEF**.

“New York’s marijuana arrest crusade has resulted in significant harms for those who are most vulnerable and has been used as a justification for the hyper-policing of communities of color. Over the last 20 years, more than 800,000 lives were irrevocably damaged by our draconian marijuana arrest policies. As New York finally sheds its embarrassing distinction of being the marijuana arrest capital of the world, we must repair the harms of prohibition and end the biased policing practices that have ruined the lives of so many young Black and Latino New Yorkers,” said **Kassandra Frederique, New York State Director for the Drug Policy Alliance**. “Ultimately, the best way to address the disparities and challenges posed by prohibition is to legalize and regulate marijuana in New York.”

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