



SENSIBLE MARIJUANA ACCESS THROUGH REGULATED TRADE

MARIJUANA REGULATION IN NEW YORK

We believe that it is time to stop the ineffective and unjust enforcement of marijuana prohibition in New York and begin *responsibly regulating marijuana* to better serve public health, community well-being, and equity.

What Does the Marijuana Regulation and Taxation Act (S.1527/A.1617) Do?

- Allows the responsible use of marijuana by adults 21 and over within a tightly regulated system.
- The newly-formed Bureau of Marijuana Policy will coordinate regulation and enforcement with other state agencies to protect consumers, the environment, and public health.
- Smoking in public or places where smoking tobacco is currently prohibited is *not allowed*.
- Adults 21 and over would be allowed to legally grow no more than six plants at their homes, given they adhere to strict storage requirements, including mandated use of locked spaces.

Addresses marijuana regulation as a criminal justice reform issue

- Clears prior criminal records and address additional devastating impacts of marijuana prohibition in the fields of immigration and family law, and protects against discrimination in housing and employment.
- Expands resentencing and reclassification of crimes for people previously convicted for marijuana, increasing opportunity for thousands of New Yorkers; removes a positive marijuana test as sole justification for violating a person's parole or probation.
- Protects against continued criminalization of youth and helps people transition from the illicit to the legal market.

Protects young people and provides comprehensive education

- Reduces the accessibility of marijuana, and thus youth use of marijuana, by banning the advertising of marijuana to minors and near schools and youth centers.
- Selling to minors remains illegal and results in serious penalties for businesses.
- Marijuana products cannot be made attractive to children—*no gummy bears for sale in NY*.
- Similar to the consequences for underage drinking, youth under the age of 21 would be charged with a non-criminal infraction for underage possession. The minor's marijuana would be confiscated and they would be issued a ticket for a small fine and required to complete drug awareness education, counseling, or community service.
- Allows for reality-based conversations and holistic education for young people (similar to comprehensive sex ed), which has proven more effective than abstinence-only frameworks.

Focuses on small businesses, family farmers & community participation – not large corporations

- Establishes a licensing structure designed to create a favorable environment for small businesses and family-scale farmers, encouraging entrepreneurial efforts in small towns and rural areas, as well as disproportionately impacted communities.
- Creates a small business incubator program to provide direct support to small-scale marijuana license holders through legal counseling services, education, small business coaching, compliance assistance, and funding in the form of grants or low- or zero-interest loans.

- Includes a co-op license plus a microbusiness license, similar to New York’s rapidly growing craft wine and beer industry, that allows small-scale production and sale plus delivery to reduce barriers to entry for people with less access to capital and traditional avenues of financing.
- Allows for social consumption (also called on-site consumption) and delivery licenses, which provide entry points into the industry that are not as capital-intensive.
- Creates a social equity program, offering priority licensing for individuals and communities impacted by prohibition, including people impacted by prohibition (living in neighborhoods with high arrests/racial disparities, people with a conviction, and people with an income lower than 80% of the state median income).

Uses tax revenue for social good

- Makes revenue available for efforts that will invest in communities harmed by the war on drugs and mass incarceration through job training, economic empowerment, youth development programming, and re-entry services.
- Provides funding to conduct studies analyzing the impacts of marijuana legalization on public health, public safety, youth use, the state economy, the environment, and the criminal justice system.
- Invests resources from tax revenue in public information/education campaigns about impacts of marijuana use, especially driving impairment and youth.
- Funds drug treatment programs and evidence-based public education campaigns geared toward reducing overdoses and saving lives, providing much-needed resources to people who struggle with substance use and building out scientifically-supported prevention strategies.
- Directs revenue to the state department of education to provide a quality education to New York’s children; these funds are in addition to – not replacing – existing allocations.

Protects consumers and provides information for better decisions

- Marijuana products must be independently tested to comply with consumer safety standards and products must be trackable from seed to sale.
- Packaging must feature warning labels and be opaque, re-sealable, and child resistant. Separate packaging for each serving is required for all marijuana-infused products.
- Labels for marijuana products must clearly display product potency. Retailers will be able to better inform consumers about impairment, *reducing* instances of driving while under the influence.

Restricts marketing and advertising

- Strict ban on advertising that is designed in any way to appeal to children or promotes overconsumption.
- Ads are *not allowed* in public transit vehicles and stations or within two hundred feet of sensitive areas, including playgrounds, childcare centers, public parks, libraries, and schools.
- Prohibits all marketing strategies designed to appeal to youth under 21 years old, or disseminate false or misleading information to customers.
- Ads and marketing are only allowed to be placed where the audience is reasonably expected to be over 21, as determined by reliable, up-to-date audience composition data.

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