



NEW YORK MARIJUANA LAW

**Lunch with a Lawyer
May 20 2021**

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LEGALIZED MARIJUANA IN NEW YORK

OVERVIEW

- **Regulating Authority**
- **Business Structure and Rules**
- **Employer Requirements**
- **Penal Law Changes**

Basic Rule: New Yorkers 21 years old and older can possess, obtain and transport up to 3 ounces of **cannabis**. New Yorkers can also possess up to 24 grams of concentrated **cannabis** oil. Eventually under this **law**, New Yorkers will be able to store up to five pounds of **marijuana** at their home.



REGULATORY LANDSCAPE

- Office of Cannabis Management, an independent division of the SLA
 - Cannabis Control Board
 - Issue Licenses
 - Issue regulations
 - Similar to the SLA for liquor sales and licenses
- Regulations expected within 12-18 months



Licenses

- Social Equity Applicants
- 50% goal licenses are impacted individuals (social and economic applicants)
- Non-equity licenses – (non impacted) must show as part of application process to develop and implement social responsibility framework

LICENSE TYPES

- Cultivator License — grow cannabis
- Processor License — turn cannabis into other products, like edibles and concentrates
- Distributor Licenses — distribute wholesale products from processors to licensed retail businesses
- Dispensary License — directly sell cannabis products to the public
- On-site Consumption License — sell marijuana and provide space for customers to use cannabis products

LICENSE TYPES

- Cooperative Licenses — for groups of people who want to cultivate, grow and process cannabis
- Nursery Licenses — sell young or seedling marijuana plants that haven't flowered yet to other licensed pot businesses
- Delivery licenses
- Microbusiness License — to cultivate, produce and retail cannabis products with specific size limitations



COMMUNITY REINVESTMENT REQUIREMENTS



A BIG OPEN QUESTION --BANKING



BANKING CONCERNS

- Marijuana is still a controlled substance under the Federal Controlled Substances Act
- Issue is access to banking services



MARIJUANA RELATED BUSINESS

- Tier 1: Any business that “touches” the seeds, plant or product. Examples include seed dealers, product testing, planting, cultivating and dispensing.
- Tier 2: Any business that directly supports Tier 1 MRBs or whose primary customers are Tier 1 MRBs. Examples include packaging suppliers, licensing consultants or industry associations.

MARIJUANA RELATED BUSINESS (cont.)

- - Tier 3: Businesses that have only incidental connection to or business with Tier 1 or Tier 2 businesses. Examples are property owners, bookkeepers or other professionals providing services to Tier 1 or Tier 2 MRBs or manufacturers or suppliers whose products are used by MRBs but are not specifically made or marketed to Tier 1 or Tier 2 MRBs, such as light bulb manufacturers.

RULES FOR EMPLOYERS



DISCRIMINATION PROHIBITED

- Use is before or after work;
- Use is not on the employer's property; **and**
- Use does not involve employer's equipment or other property.



NO DISCRIMINATION IN LICENSING

Any “occupational or professional licensing board or office” is prohibited from discriminating against a person for any activity permitted under the statute



IMPAIRMENT AT WORK PROHIBITED

- Specific articulable symptoms while working
- Decrease or lessen the employee's performance of the duties or tasks of the employee's job position
- Interfere with an employer's obligation to provide a safe and healthy work place, free from recognized hazards, as required by state and federal occupational safety and health law

EXCEPTIONS

- state or federal statute, regulation, ordinance, or other state or federal governmental mandate
- any act that would cause the employer to be in violation of federal law or would result in the loss of a federal contract or federal funding.
- Example: DOT Covered Employees



NEXT STEPS FOR EMPLOYERS

- Review Workplace Drug and Alcohol Policies
- Review Testing Procedures
- Train Managers on Impairment and Documentation



QUICK COVID UPDATE



WHAT'S HAPPENING?

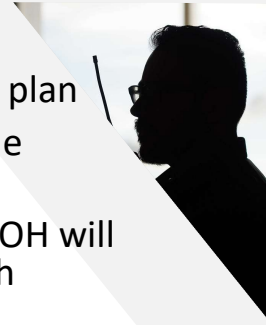
- Masks for Unvaccinated
- Masks not required for fully vaccinated in most workplaces (2 weeks post final vaccination)
- Lots of Exceptions
- What Are Your Policies?
 - Track or Don't Track??

KNOW YOUR INDUSTRY



NY Hero Act

- Requires Employers to develop safety plan
 - Airborne infectious diseases in the workplace
 - Commissioner of Labor and NY DOH will develop model standards for each industry
- Requires Employers to develop safety committee which includes employees
- Non-retaliation provisions



THERE ARE SO MANY QUESTIONS!

YOUR QUESTIONS

