



NEW YORK STATE SENATOR

George M. Borrello

Senator George Borrello Introduces Legislation to Prohibit the Public Use of Marijuana

GEORGE M. BORRELLO July 20, 2023

| ISSUE: **ADULT USE MARIJUANA, MARIJUANA DECRIMINALIZATION, MARIJUANA REGULATION AND TAXATION ACT (MRTA)**



Measure would provide more control over public consumption to local governments

JAMESTOWN – State Senator George Borrello has introduced legislation that would prohibit the smoking and consumption of marijuana in public places unless specifically authorized by the locality.

“Since the enactment of the Marijuana Regulation and Taxation Act (MRTA) in 2021, I’ve received many complaints from concerned constituents about the increase in public pot consumption,” said Sen. Borrello. “State residents, including children, are now regularly assailed with the pungent odor of marijuana on public sidewalks, in parking lots and other public spaces. Many New Yorkers don’t want to be exposed to either the effects of marijuana smoke or its smell and don’t want their children subjected to it.”

Under Senate Bill 7604, public marijuana use would be prohibited, although cities and towns would be able to enact ordinances regarding whether and where marijuana could be publicly consumed. This is a significant departure from current state law which authorizes public marijuana use anywhere tobacco smoking is permitted. The measure would also establish a \$125 fine for violations of the law. Current violations of the public consumption provisions of the law are subject to a \$25 fine.

Sen. Borrello noted that equating tobacco smoking with marijuana use is a false comparison.

“There is a world of difference between tobacco consumption and marijuana use, which is why it is inappropriate to apply the same public usage rules. Marijuana has THC, a potent psychoactive drug that causes a ‘high’ and can result in cognitive and motor impairment, similar to alcohol. Individuals in this condition, on sidewalks or other public places, represent a potential hazard to themselves or others. That is why the same public consumption restrictions that apply to alcohol should apply to marijuana,” said Sen. Borrello.

“It is important to emphasize that nearly all of the states that have legalized recreational marijuana have limited its usage to private property – one’s home or another private residence or a licensed, designated consumption establishment. That is the more responsible policy,” said Sen. Borrello. “However, in recent years, when given a choice between

'responsible' or 'reckless', New York leaders have typically chosen the latter, as they did with the recreational marijuana law."

"There is no question that the exponential growth in public marijuana consumption since the passage of the MRTA has resulted in a significant quality of life problem in cities and communities across the state. It is our duty to address this issue and this proposal is an important first step," Sen. Borrello said.

The Assembly version of the [legislation](#) is sponsored by Assemblyman Michael Novakhov.

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