



NEW YORK STATE SENATOR

George M. Borrello

Senator Borrello Proposes Extending Marijuana Law's Local Government Opt-Out Provision

GEORGE M. BORRELLO September 10, 2021

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JAMESTOWN – In light of the delays that have characterized the rollout of New York State's new law authorizing the use and sale of recreational marijuana, Senator George Borrello is proposing legislation that would allow localities an additional year to opt out of allowing retail dispensaries or on-site consumption licenses within their jurisdictions. Senate Bill 7369 would extend the deadline of the opt-out provision from December 31, 2021 to December 31, 2022.

“At the recent roundtable I hosted in my district on New York State’s new marijuana law, the overwhelming feedback I received from local officials and stakeholders was frustration at the lack of information available on what a legalized market will look like,” said Senator Borrello. “Local elected officials are being asked to make important decisions with zero information. It is unfair of the state to maintain the original deadline when implementation of the law is at least six months behind.”

When Governor Cuomo signed the bill into law on March 31, certain provisions took effect immediately, including legalization of the possession of up to three ounces of marijuana or 24 grams of concentrated cannabis. While localities cannot opt out of adult-use legalization, they can opt out of allowing brick-and-mortar dispensaries to sell marijuana products within their jurisdictions as well as licenses for ‘lounges’ where cannabis could be consumed, on-site.

All the regulations governing how the industry will operate, including the regulation of sales, allocation of licenses for cultivators, processors, wholesalers and retailers, and how to safeguard minors from cannabis use, will be developed by the Cannabis Control Board and the new state Office of Cannabis Management.

Months of delays, fueled by disagreements over potential appointees between the Cuomo administration and the Legislature, have set the timeline for implementation of the cannabis market behind by at least six months.

On September 1, the Legislature approved the gubernatorial appointments of former Brooklyn Assemblywoman Tremaine Wright as chair of the Cannabis Control Board and Christopher Alexander, a former policy coordinator for the Drug Policy Alliance, as executive director of the Office of Cannabis Management. Former state Senator Jen Metzger and Buffalo attorney Adam Perry were appointed this week by legislative leaders. There are two more gubernatorial appointments to be made to complete the board.

“Governor Hochul has made it a priority to jump start this process. However, even if all the remaining board appointments and OCM staff were in place tomorrow, the timeline that was projected in March is no longer feasible. No one benefits by forcing municipalities to make a hasty decision when they still have so many questions about how sales will be regulated,” said Senator Borrello. “Extending the opt-out period is a common sense step. I urge my colleagues on both sides of the aisle to support this effort to give our communities added time to make these important decisions.”

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