

New York Steps Closer to Legalizing Recreational Marijuana Use with Creation of Drafting Workgroup

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New York Governor Andrew Cuomo is setting the stage to begin debate over the legalization of marijuana for recreational use during the 2019 Legislative Session. The current marijuana program, restricted to medical marijuana usage, was signed into law in 2014.

On August 2, 2018, Governor Cuomo announced the creation of a workgroup to begin drafting legislation for a regulated adult-use marijuana program. This workgroup is being formed on the heels of a report from the Department of Health (DOH) ordered by the Governor in his January 2018 budget address. After studying the potential effects of regulating marijuana, the DOH in its “Assessment of the Potential Impact of Regulated Marijuana in New York State” concluded:

The positive effects of a regulated marijuana market in [New York State] outweigh the potential negative impacts. Areas that may be a cause for concern can be mitigated with regulation and proper use of public education that is tailored to address key populations. Incorporating proper metrics and indicators will ensure rigorous and ongoing evaluation.

Whether the draft legislation would be done on time to be released as part of the state’s fiscal year 2019-20 Executive budget proposal remains to be seen.

Key topics the legislation would address include:

- Who will regulate the manufacturing, distribution, and retail sale of marijuana;
- How will the product be taxed and at what levels;
- Where will the revenue from regulating and taxing go; and
- How will the criminal penalty statutory scheme change.

According to the Governor, the “workgroup will be overseen by Counsel to the Governor Alphonso David, who will work with members to provide them with information and support and coordinate among the Executive Branch and stakeholders.” The legislation, once completed, would have to be passed by both the state Assembly and state Senate. In addition, 2018 being an election year for all statewide offices, the dynamics of any legislation could change if there is a turnover in the Executive or the state Legislature.

The Jackson Lewis Government Relations practice will continue to monitor New York’s regulatory and legislative developments and provide updates. Please contact us if you have any questions about or interest in participating with the workgroup.

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