

FY 2020 NEW YORK STATE EXECUTIVE BUDGET

**REVENUE
ARTICLE VII LEGISLATION**

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Legislative Bill Drafting Commission
12574-01-9

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI

(Enacts into law major components of
legislation which are necessary to
implement the state fiscal plan for
the 2019-2020 state fiscal year)

BUDGBI. REV Executive

AN ACT

to amend part U of chapter 61 of the
laws of 2011, amending the real
property tax law and other laws
relating to establishing standards
for electronic tax administration,
in relation to making permanent
provisions relating to mandatory
electronic filing of tax documents;
and repealing certain provisions of
the tax law and the administrative
code of the city of New York relat-
ing thereto (Part A); to amend the

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s02 Flanagan	s09 Kaminsky	s25 Montgomery	s23 Savino
s52 Akshar	s55 Funke	s07 Kaplan	s20 Myrie	s32 Sepulveda
s46 Amedore	s59 Gallivan	s26 Kavanagh	s58 O'Mara	s41 Serino
s50 Antonacci	s05 Gaughran	s63 Kennedy	s62 Ortt	s29 Serrano
s36 Bailey	s12 Gianaris	s28 Krueger	s21 Parker	s51 Seward
s30 Benjamin	s22 Gounardes	s24 Lanza	s19 Persaud	s39 Skoufis
s34 Biaggi	s47 Griffo	s01 LaValle	s13 Ramos	s16 Stavisky
s04 Boyle	s40 Harckham	s45 Little	s61 Ranzenhofer	s35 Stewart- Cousins
s44 Breslin	s54 Helming	s11 Liu	s48 Ritchie	
s08 Brooks	s27 Hoylman	s03 Martinez	s33 Rivera	s49 Tedisco
s38 Carlucci	s31 Jackson	s53 May	s56 Robach	s06 Thomas
s14 Comrie	s60 Jacobs	s37 Mayer	s18 Salazar	s57 Young
s17 Felder	s43 Jordan	s42 Metzger	s10 Sanders	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a072 De La Rosa	a029 Hyndman	a144 Norris	a090 Sayegh
a092 Abinanti	a034 DenDekker	a104 Jacobson	a069 O'Donnell	a140 Schimminger
a084 Arroyo	a003 DeStefano	a097 Jaffee	a051 Ortiz	a099 Schmitt
a107 Ashby	a070 Dickens	a011 Jean-Pierre	a091 Otis	a076 Seawright
a035 Aubry	a054 Dilan	a135 Johns	a132 Palmesano	a052 Simon
a120 Barclay	a081 Dinowitz	a115 Jones	a002 Palumbo	a036 Simotas
a030 Barnwell	a147 DiPietro	a077 Joyner	a088 Paulin	a005 Smith
a106 Barrett	a016 D'Urso	a040 Kim	a141 Peoples- Stokes	a118 Smullen
a060 Barron	a048 Eichenstein	a131 Kolb		a022 Solages
a082 Benedetto	a004 Englebright	a105 Lalor	a058 Perry	a114 Stec
a042 Bichotte	a074 Epstein	a013 Lavine	a023 Pheffer	a110 Steck
a079 Blake	a109 Fahy	a134 Lawrence	Amato	a010 Stern
a117 Blankenbush	a061 Fall	a050 Lentol	a086 Pichardo	a127 Stirpe
a098 Brabene	a080 Fernandez	a125 Lifton	a089 Pretlow	a102 Tague
a026 Braunstein	a126 Finch	a009 LiPetri	a073 Quart	a071 Taylor
a138 Bronson	a008 Fitzpatrick	a123 Lupardo	a019 Ra	a001 Thiele
a093 Buchwald	a124 Friend	a129 Magnarelli	a012 Raia	a031 Titus
a142 Burke	a046 Frontus	a064 Malliotakis	a006 Ramos	a033 Vanel
a119 Buttenschon	a095 Galef	a130 Manktelow	a018 Raynor	a116 Walczyk
a094 Byrne	a137 Gantt	a108 McDonald	a062 Reilly	a055 Walker
a133 Byrnes	a007 Garbarino	a014 McDonough	a087 Reyes	a143 Wallace
a103 Cahill	a148 Giglio	a146 McMahan	a043 Richardson	a112 Walsh
a044 Carroll	a066 Glick	a017 Mikulin	a078 Rivera	a041 Weinstein
a047 Colton	a150 Goodell	a101 Miller, B.	a068 Rodriguez	a024 Weprin
a032 Cook	a075 Gottfried	a038 Miller, M. G.	a136 Romeo	a059 Williams
a085 Crespo	a021 Griffin	a020 Miller, M. L.	a027 Rosenthal, D.	a113 Woerner
a122 Crouch	a100 Gunther	a015 Montesano	a067 Rosenthal, L.	a056 Wright
a039 Cruz	a139 Hawley	a145 Morinello	a025 Rozic	a096 Zebrowski
a063 Cusick	a083 Heastie	a057 Mosley	a149 Ryan	
a045 Cymbrowitz	a028 Hevesi	a065 Niou	a121 Salka	
a053 Davila	a128 Hunter	a037 Nolan	a111 Santabarbara	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

economic development law, in relation to the employee training incentive program (Part B); to amend the tax law and the administrative code of the city of New York, in relation to including in the apportionment fraction receipts constituting net global intangible low-taxed income (Part C); to amend the tax law and the administrative code of the city of New York, in relation to the adjusted basis for property used to determine whether a manufacturer is a qualified New York manufacturer (Part D); to amend part MM of chapter 59 of the laws of 2014 amending the labor law and the tax law relating to the creation of the workers with disabilities tax credit program, in relation to extending the effectiveness thereof (Part E); to amend the tax law in relation to the inclusion in a decedent's New York gross estate any qualified terminable interest property for which a prior deduction was allowed and certain pre-death gifts (Part F); to amend the tax law, in relation to requiring marketplace providers to collect sales tax (Part G); to amend the tax law, in relation to eliminating the reduced tax rates under the sales and use tax with respect to certain gas and electric service; and to repeal certain provisions of the tax law and the administrative code of the city of New York related thereto (Part H); to amend the real property tax law, in relation to the determination and use of state equalization rates (Part I); to amend the real property tax law and local finance law, in relation to local option disaster assessment relief (Subpart A); to amend the real property tax law, in relation to authorizing agreements for assessment review services (Subpart B); to amend the real property tax law, in relation to the training of assessors and county directors of real property tax services (Subpart C); to amend the real property tax law, in relation to providing certain notifications electronically

(Subpart D); to amend the real property tax law, in relation to the valuation and taxable status dates of special franchise property (Subpart E); and to amend the real property tax law, in relation to the reporting requirements of power plants (Subpart F) (Part J); to repeal section 3-d of the general municipal law, relating to certification of compliance with tax levy limit (Part K); to amend the tax law, in relation to creating an employer-provided child care credit (Part L); to amend the tax law, in relation to including gambling winnings in New York source income and requiring withholding thereon (Part M); to amend the tax law, in relation to the farm workforce retention credit (Part N); to amend the tax law, in relation to updating tax preparer penalties; to amend part N of chapter 61 of the laws of 2005, amending the tax law relating to certain transactions and related information and relating to the voluntary compliance initiative, in relation to eliminating the expiration thereof; and to repeal certain provisions of the tax law, relating to tax preparer penalties (Part O); to amend the tax law, in relation to extending the top personal income tax rate for five years (Part P); to amend the tax law and the administrative code of the city of New York, in relation to extending for five years the limitations on itemized deductions for individuals with incomes over one million dollars (Part Q); to amend the tax law, in relation to extending the clean heating fuel credit for three years (Part R); to repeal subdivision (e) of section 23 of part U of chapter 61 of the laws of 2011 amending the real property tax law and other laws relating to establishing standards for electronic tax administration (Part S); to amend the cooperative corporations law and the rural electric cooperative law, in relation to eliminating certain license fees (Part T); to amend the tax law, in relation to a credit for the reha-

bilitation of historic properties for state owned property leased to private entities (Part U); to amend the tax law, in relation to exempting from sales and use tax certain tangible personal property or services (Part V); to amend the mental hygiene law and the tax law, in relation to the creation and administration of a tax credit for employment of eligible individuals in recovery from a substance use disorder (Part W); to amend the tax law and the administrative code of the city of New York, in relation to excluding from entire net income certain contributions to the capital of a corporation (Part X); to amend the tax law, in relation to establishing a conditional tax on carried interest (Part Y); to amend the tax law, the administrative code of the city of New York, and chapter 369 of the laws of 2018 amending the tax law relating to unrelated business taxable income of a taxpayer, in relation to making technical corrections thereto (Part Z); to amend the real property tax law, in relation to tax exemptions for energy systems (Part AA); to amend the racing, pari-mutuel wagering and breeding law, in relation to employees of the state gaming commission (Part BB); to amend the racing, pari-mutuel wagering and breeding law, in relation to the thoroughbred and standardbred breeding funds (Part CC); to amend the racing, pari-mutuel wagering and breeding law, in relation to the office of the gaming inspector general; and to repeal title 9 of article 13 of the racing, pari-mutuel wagering and breeding law relating to the gaming inspector general (Subpart A); to amend the racing, pari-mutuel wagering and breeding law, in relation to appointees to the thoroughbred breeding and development fund (Subpart B); to amend the public officers law and the racing, pari-mutuel wagering and breeding law, in relation to the Harry M. Zweig memorial fund (Subpart C); and to amend the tax law, in relation to the

prize payment amounts and revenue distributions of lottery game sales, and use of unclaimed prize funds (Subpart D)(Part DD); to amend the tax law, in relation to commissions paid to the operator of a video lottery facility; to repeal certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part EE); to amend the racing, pari-mutuel wagering and breeding law, in relation to the deductibility of promotional credits (Part FF); to amend the racing, pari-mutuel wagering and breeding law, in relation to the operations of off-track betting corporations (Part GG); to amend the racing, pari-mutuel wagering and breeding law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of-state thoroughbred races, simulcasting of races run by out-of-state harness tracks and distributions of wagers; to amend chapter 281 of the laws of 1994 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting and chapter 346 of the laws of 1990 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting and the imposition of certain taxes, in relation to extending certain provisions thereof; and to amend the racing, pari-mutuel wagering and breeding law, in relation to extending certain provisions thereof (Part HH); to amend the racing, pari-mutuel wagering and breeding law, in relation to equine drug testing standards (Part II); to amend part EE of chapter 59 of the laws of 2018, amending the racing, pari-mutuel wagering and breeding law, relating to adjusting the franchise payment establishing an advisory committee to review the structure, operations and funding of equine drug testing and research, in relation to the date of delivery for recommendations; and to amend the racing, pari-mutuel wagering and

breeding law, in relation to the advisory committee on equine drug testing, and equine lab testing provider restrictions removal (Part JJ); to amend the racing, pari-mutuel wagering and breeding law, in relation to state gaming commission occupational licenses (Part KK); to amend the real property tax law and the tax law, in relation to the determination of STAR tax savings (Part LL); to amend the tax law, in relation to cooperative housing corporation information returns (Part MM); to amend the tax law, in relation to making a technical correction to the enhanced real property tax circuit breaker credit (Part NN); to amend the tax law, in relation to mobile home reporting requirements (Part OO); to amend the real property tax law and the tax law, in relation to eligibility for STAR exemptions and credits (Part PP); to amend the real property tax law and the tax law, in relation to authorizing the disclosure of certain information to assessors (Part QQ); to amend the real property tax law and the tax law, in relation to the income limits for STAR benefits (Part RR); to amend the real property tax law, in relation to clarifying certain notices on school tax bills (Part SS); to amend the real property tax law and the tax law, in relation to making the STAR program more accessible to taxpayers (Part TT); to amend the public health law, in relation to increasing the purchasing age for tobacco products and electronic cigarettes from eighteen to twenty-one; prohibiting sales of tobacco products and electronic cigarettes in all pharmacies; prohibiting the acceptance of price reduction instruments for both tobacco products and electronic cigarettes; prohibiting the display of tobacco products or electronic cigarettes in stores; clarifying that the department of health has the authority to promulgate regulations that restrict the sale or distribution of electronic ciga-

rettes or electronic liquids that have a characterizing flavor, and the use of names for characterizing flavors; prohibiting smoking inside and on the grounds of all hospitals licensed or operated by the office of mental health; taxing electronic liquid; and requiring that electronic cigarettes be sold only through licensed vapor products retailers; to amend the general business law, in relation to the packaging of vapor products; to amend the tax law, in relation to imposing a supplemental tax on vapor products; to amend the state finance law, in relation to adding revenues from the supplemental tax on vapor products to the health care reform act resource fund; and repealing paragraph (e) of subdivision 1 of section 1399-cc of the public health law relating to the definitions of nicotine, electronic liquid and e-liquid (Part UU); relating to constituting a new chapter 7-A of the consolidated laws, in relation to the creation of a new office of cannabis management, as an independent entity within the division of alcoholic beverage control, providing for the licensure of persons authorized to cultivate, process, distribute and sell cannabis and the use of cannabis by persons aged twenty-one or older; to amend the public health law, in relation to the description of cannabis; to amend the vehicle and traffic law, in relation to making technical changes regarding the definition of cannabis; to amend the penal law, in relation to the qualification of certain offenses involving cannabis and to exempt certain persons from prosecution for the use, consumption, display, production or distribution of cannabis; to amend the tax law, in relation to providing for the levying taxes on cannabis; to amend the criminal procedure law, the civil practice law and rules, the general business law, the state finance law, the executive law, the penal law and the vehicle and traffic law, in relation to making conforming chang-

es; to repeal sections 221.10 and 221.30 of the penal law relating to the criminal possession and sale of cannabis; to amend chapter 90 of the laws of 2014 amending the public health law, the tax law, the state finance law, the general business law, the penal law and the criminal procedure law relating to medical use of marihuana, in relation to the effectiveness thereof; to repeal paragraph (f) of subdivision 2 of section 850 of the general business law relating to drug related paraphernalia; and making an appropriation therefor (Part VV); and to amend the tax law, in relation to imposing a special tax on passenger car rentals outside of the metropolitan commuter transportation district (Part WW)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2019-2020
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through WW. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part,
7 including the effective date of the Part, which makes reference to a
8 section "of this act", when used in connection with that particular
9 component, shall be deemed to mean and refer to the corresponding
10 section of the Part in which it is found. Section three of this act sets
11 forth the general effective date of this act.

12 PART A

13 Section 1. Paragraph 10 of subsection (g) of section 658 of the tax
14 law is REPEALED.

15 § 2. Paragraph 10 of subdivision (g) of section 11-1758 of the admin-
16 istrative code of the city of New York is REPEALED.

17 § 3. Paragraph 5 of subsection (u) of section 685 of the tax law is
18 REPEALED.

19 § 4. Paragraph 5 of subdivision (t) of section 11-1785 of the adminis-
20 trative code of the city of New York is REPEALED.

21 § 5. Section 23 of part U of chapter 61 of the laws of 2011, amending
22 the real property tax law and other laws relating to establishing stand-
23 ards for electronic tax administration, as amended by section 5 of part
24 G of chapter 60 of the laws of 2016, is amended to read as follows:

25 § 23. This act shall take effect immediately; provided, however, that:

1 (a) the amendments to section 29 of the tax law made by section thir-
2 teen of this act shall apply to tax documents filed or required to be
3 filed on or after the sixtieth day after which this act shall have
4 become a law [and shall expire and be deemed repealed December 31,
5 2019], provided however that the amendments to paragraph 4 of subdivi-
6 sion (a) of section 29 of the tax law and paragraph 2 of subdivision (e)
7 of section 29 of the tax law made by section thirteen of this act with
8 regard to individual taxpayers shall take effect September 15, 2011 but
9 only if the commissioner of taxation and finance has reported in the
10 report required by section seventeen-b of this act that the percentage
11 of individual taxpayers electronically filing their 2010 income tax
12 returns is less than eighty-five percent; provided that the commissioner
13 of taxation and finance shall notify the legislative bill drafting
14 commission of the date of the issuance of such report in order that the
15 commission may maintain an accurate and timely effective data base of
16 the official text of the laws of the state of New York in furtherance of
17 effectuating the provisions of section 44 of the legislative law and
18 section 70-b of the public officers law;

19 (b) sections fourteen, fifteen, sixteen and seventeen of this act
20 shall take effect September 15, 2011 but only if the commissioner of
21 taxation and finance has reported in the report required by section
22 seventeen-b of this act that the percentage of individual taxpayers
23 electronically filing their 2010 income tax returns is less than eight-
24 y-five percent; and

25 (c) sections fourteen-a and fifteen-a of this act shall take effect
26 September 15, 2011 and expire and be deemed repealed December 31, 2012
27 but shall take effect only if the commissioner of taxation and finance
28 has reported in the report required by section seventeen-b of this act

1 that the percentage of individual taxpayers electronically filing their
2 2010 income tax returns is eighty-five percent or greater[;

3 (d) sections fourteen-b, fifteen-b, sixteen-a and seventeen-a of this
4 act shall take effect January 1, 2020 but only if the commissioner of
5 taxation and finance has reported in the report required by section
6 seventeen-b of this act that the percentage of individual taxpayers
7 electronically filing their 2010 income tax returns is less than eight-
8 y-five percent; and

9 (e) sections twenty-one and twenty-one-a of this act shall expire and
10 be deemed repealed December 31, 2019].

11 § 6. This act shall take effect immediately.

12 PART B

13 Section 1. Subdivision 3 of section 441 of the economic development
14 law, as amended by section 1 of part L of chapter 59 of the laws of
15 2017, is amended to read as follows:

16 3. "Eligible training" means (a) training provided by the business
17 entity or an approved provider that is:

18 (i) to upgrade, retrain or improve the productivity of employees;

19 (ii) provided to employees in connection with a significant capital
20 investment by a participating business entity;

21 (iii) determined by the commissioner to satisfy a business need on the
22 part of a participating business entity;

23 (iv) not designed to train or upgrade skills as required by a federal
24 or state entity;

1 (v) not training the completion of which may result in the awarding of
2 a license or certificate required by law in order to perform a job func-
3 tion; and

4 (vi) not culturally focused training; or

5 (b) an internship program in advanced technology [or], life sciences,
6 software development or clean energy approved by the commissioner and
7 provided by the business entity or an approved provider, on or after
8 August first, two thousand fifteen, to provide employment and experience
9 opportunities for current students, recent graduates, and recent members
10 of the armed forces.

11 § 2. Paragraph (b) of subdivision 1 of section 442 of the economic
12 development law, as amended by section 2 of part L of chapter 59 of the
13 laws of 2017, is amended to read as follows:

14 (b) The business entity must demonstrate that it is conducting eligi-
15 ble training or obtaining eligible training from an approved provider;

16 § 3. Paragraph (a) of subdivision 2 of section 443 of the economic
17 development law, as added by section 1 of part O of chapter 59 of the
18 laws of 2015, is amended to read as follows:

19 (a) provide such documentation as the commissioner may require in
20 order for the commissioner to determine that the business entity intends
21 to conduct eligible training or procure eligible training for its
22 employees from an approved provider;

23 § 4. This act shall take effect immediately.

24 PART C

25 Section 1. Section 210-A of the tax law is amended by adding a new
26 subdivision 5-a to read as follows:

1 5-a. Net global intangible low-taxed income. Notwithstanding any
2 other provision of this section, net global intangible low-taxed income
3 shall be included in the apportionment fraction as provided in this
4 subdivision. Receipts constituting net global intangible low-taxed
5 income shall not be included in the numerator of the apportionment frac-
6 tion. Receipts constituting net global intangible low-taxed income shall
7 be included in the denominator of the apportionment fraction. For
8 purposes of this subdivision, the term "net global intangible low-taxed
9 income" means the amount required to be included in the taxpayer's
10 federal gross income pursuant to subsection (a) of section 951A of the
11 internal revenue code less the amount of the deduction allowed under
12 clause (i) of section 250(a)(1)(B) of such code.

13 § 2. Section 11-654.2 of the administrative code of the city of New
14 York is amended by adding a new subdivision 5-a to read as follows:

15 5-a. Notwithstanding any other provision of this section, net global
16 intangible low-taxed income shall be included in the receipts fraction
17 as provided in this subdivision. Receipts constituting net global
18 intangible low-taxed income shall not be included in the numerator of
19 the receipts fraction. Receipts constituting net global intangible low-
20 taxed income shall be included in the denominator of the receipts frac-
21 tion. For purposes of this subdivision, the term "net global intangible
22 low-taxed income" means the amount required to be included in the
23 taxpayer's federal gross income pursuant to subsection (a) of section
24 951A of the internal revenue code less the amount of the deduction
25 allowed under clause (i) of section 250(a)(1)(B) of such code.

26 § 3. This act shall take effect immediately and shall apply to taxable
27 years beginning on or after January 1, 2018.

1

PART D

2 Section 1. Subparagraph (vi) of paragraph (a) of subdivision 1 of
3 section 210 of the tax law, as amended by section 11 of part T of chap-
4 ter 59 of the laws of 2015, is amended to read as follows:

5 (vi) for taxable years beginning on or after January first, two thou-
6 sand fourteen, the amount prescribed by this paragraph for a taxpayer
7 [which] that is a qualified New York manufacturer, shall be computed at
8 the rate of zero percent of the taxpayer's business income base. The
9 term "manufacturer" shall mean a taxpayer [which] that during the taxa-
10 ble year is principally engaged in the production of goods by manufac-
11 turing, processing, assembling, refining, mining, extracting, farming,
12 agriculture, horticulture, floriculture, viticulture or commercial fish-
13 ing. However, the generation and distribution of electricity, the
14 distribution of natural gas, and the production of steam associated with
15 the generation of electricity shall not be qualifying activities for a
16 manufacturer under this subparagraph. Moreover, in the case of a
17 combined report, the combined group shall be considered a "manufacturer"
18 for purposes of this subparagraph only if the combined group during the
19 taxable year is principally engaged in the activities set forth in this
20 paragraph, or any combination thereof. A taxpayer or, in the case of a
21 combined report, a combined group shall be "principally engaged" in
22 activities described above if, during the taxable year, more than fifty
23 percent of the gross receipts of the taxpayer or combined group, respec-
24 tively, are derived from receipts from the sale of goods produced by
25 such activities. In computing a combined group's gross receipts, inter-
26 corporate receipts shall be eliminated. A "qualified New York manufac-
27 turer" is a manufacturer [which] that has property in New York [which]

1 that is described in clause (A) of subparagraph (i) of paragraph (b) of
2 subdivision one of section two hundred ten-B of this article and either
3 (I) the adjusted basis of such property for [federal income] New York
4 state tax purposes at the close of the taxable year is at least one
5 million dollars or (II) all of its real and personal property is located
6 in New York. A taxpayer or, in the case of a combined report, a combined
7 group, that does not satisfy the principally engaged test may be a qual-
8 ified New York manufacturer if the taxpayer or the combined group
9 employs during the taxable year at least two thousand five hundred
10 employees in manufacturing in New York and the taxpayer or the combined
11 group has property in the state used in manufacturing, the adjusted
12 basis of which for [federal income] New York state tax purposes at the
13 close of the taxable year is at least one hundred million dollars.

14 § 2. Subparagraph 2 of paragraph (b) of subdivision 1 of section 210
15 of the tax law, as amended by section 18 of part T of chapter 59 of the
16 laws of 2015, is amended to read as follows:

17 (2) For purposes of subparagraph one of this paragraph, the term
18 "manufacturer" shall mean a taxpayer [which] that during the taxable
19 year is principally engaged in the production of goods by manufacturing,
20 processing, assembling, refining, mining, extracting, farming, agricul-
21 ture, horticulture, floriculture, viticulture or commercial fishing.
22 Moreover, for purposes of computing the capital base in a combined
23 report, the combined group shall be considered a "manufacturer" for
24 purposes of this subparagraph only if the combined group during the
25 taxable year is principally engaged in the activities set forth in this
26 subparagraph, or any combination thereof. A taxpayer or, in the case of
27 a combined report, a combined group shall be "principally engaged" in
28 activities described above if, during the taxable year, more than fifty

1 percent of the gross receipts of the taxpayer or combined group, respec-
2 tively, are derived from receipts from the sale of goods produced by
3 such activities. In computing a combined group's gross receipts, inter-
4 corporate receipts shall be eliminated. A "qualified New York manufac-
5 turer" is a manufacturer that has property in New York that is described
6 in clause (A) of subparagraph (i) of paragraph (b) of subdivision one of
7 section two hundred ten-B of this article and either (i) the adjusted
8 basis of that property for [federal income] New York state tax purposes
9 at the close of the taxable year is at least one million dollars or (ii)
10 all of its real and personal property is located in New York. In addi-
11 tion, a "qualified New York manufacturer" means a taxpayer that is
12 defined as a qualified emerging technology company under paragraph (c)
13 of subdivision one of section thirty-one hundred two-e of the public
14 authorities law regardless of the ten million dollar limitation
15 expressed in subparagraph one of such paragraph. A taxpayer or, in the
16 case of a combined report, a combined group, that does not satisfy the
17 principally engaged test may be a qualified New York manufacturer if the
18 taxpayer or the combined group employs during the taxable year at least
19 two thousand five hundred employees in manufacturing in New York and the
20 taxpayer or the combined group has property in the state used in manu-
21 facturing, the adjusted basis of which for [federal income] New York
22 state tax purposes at the close of the taxable year is at least one
23 hundred million dollars.

24 § 3. Clause (ii) of subparagraph 4 of paragraph (k) of subdivision 1
25 of section 11-654 of the administrative code of the city of New York, as
26 added by section 1 of part D of chapter 60 of the laws of 2015, is
27 amended to read as follows:

1 (ii) A "qualified New York manufacturing corporation" is a manufactur-
2 ing corporation that has property in the state [which] that is described
3 in subparagraph five of this paragraph and either (A) the adjusted basis
4 of such property for [federal income] New York state tax purposes at the
5 close of the taxable year is at least one million dollars or (B) more
6 than fifty [percentum] percent of its real and personal property is
7 located in the state.

8 § 4. This act shall take effect immediately and shall apply to taxable
9 years beginning on or after January 1, 2018.

10 PART E

11 Section 1. Section 5 of part MM of chapter 59 of the laws of 2014
12 amending the labor law and the tax law relating to the creation of the
13 workers with disabilities tax credit program is amended to read as
14 follows:

15 § 5. This act shall take effect January 1, 2015, and shall apply to
16 taxable years beginning on and after that date; provided, however, that
17 this act shall expire and be deemed repealed January 1, [2020] 2023.

18 § 2. This act shall take effect immediately.

19 PART F

20 Section 1. Paragraph 3 of subsection (a) of section 954 of the tax
21 law, as amended by section 2 of part BB of chapter 59 of the laws of
22 2015, is amended to read as follows:

23 (3) Increased by the amount of any taxable gift under section 2503 of
24 the internal revenue code not otherwise included in the decedent's

1 federal gross estate, made during the three year period ending on the
2 decedent's date of death, but not including any gift made: (A) when the
3 decedent was not a resident of New York state; or (B) before April
4 first, two thousand fourteen; or (C) that is real or tangible personal
5 property having an actual situs outside New York state at the time the
6 gift was made. Provided, however that this paragraph shall not apply to
7 the estate of a [decedent] decedent dying on or after January first,
8 two thousand [nineteen] twenty-six.

9 § 2. Subsection (a) of section 954 of the tax law is amended by adding
10 a new paragraph 4 to read as follows:

11 (4) Increased by the value of any property not otherwise already
12 included in the decedent's federal gross estate in which the decedent
13 had a qualifying income interest for life if a deduction was allowed on
14 the return of the tax imposed by this article with respect to the trans-
15 fer of such property to the decedent by reason of the application of
16 paragraph (7) of subsection (b) of section 2056 of the internal revenue
17 code, as made applicable to the tax imposed by this article by section
18 nine hundred ninety-nine-a of this article, whether or not a federal
19 estate tax return was required to be filed by the estate of the trans-
20 ferring spouse.

21 § 3. Subsection (c) of section 955 of the tax law, as added by section
22 4 of part X of chapter 59 of the laws of 2014, is amended to read as
23 follows:

24 (c) Qualified terminable interest property election.-- Except as
25 otherwise provided in this subsection, the election referred to in para-
26 graph (7) of subsection (b) of section 2056 of the internal revenue code
27 shall not be allowed under this article unless such election was made
28 with respect to the federal estate tax return required to be filed under

1 the provisions of the internal revenue code. If such election was made
2 for the purposes of the federal estate tax, then such election must also
3 be made by the executor on the return of the tax imposed by this arti-
4 cle. Where no federal estate tax return is required to be filed, the
5 executor [may] must make the election referred to in such paragraph (7)
6 with respect to the tax imposed by this article on the return of the tax
7 imposed by this article. Any election made under this subsection shall
8 be irrevocable.

9 § 4. This act shall take effect immediately; provided however that
10 section one of this act shall apply to estates of decedents dying on or
11 after January 1, 2019 and sections two and three of this act shall apply
12 to estates of decedents dying on or after April 1, 2019.

13 PART G

14 Section 1. Section 1101 of the tax law is amended by adding a new
15 subdivision (e) to read as follows:

16 (e) When used in this article for the purposes of the taxes imposed
17 under subdivision (a) of section eleven hundred five of this article and
18 by section eleven hundred ten of this article, the following terms shall
19 mean:

20 (1) Marketplace provider. A person who, pursuant to an agreement with
21 a marketplace seller, facilitates sales of tangible personal property by
22 such marketplace seller or sellers. A person "facilitates a sale of
23 tangible personal property" for purposes of this paragraph when the
24 person meets both of the following conditions: (A) such person provides
25 the forum in which, or by means of which, the sale takes place or the
26 offer of sale is accepted, including a shop, store, or booth, an inter-

1 net website, catalog, or similar forum; and (B) such person or an affil-
2 iate of such person collects the receipts paid by a customer to a
3 marketplace seller for a sale of tangible personal property, or
4 contracts with a third party to collect such receipts. For purposes of
5 this paragraph, a "sale of tangible personal property" shall not include
6 the rental of a passenger car as described in section eleven hundred
7 sixty of this chapter but shall include a lease described in subdivision
8 (i) of section eleven hundred eleven of this article. For purposes of
9 this paragraph, persons are affiliated if one person has an ownership
10 interest of more than five percent, whether direct or indirect, in
11 another, or where an ownership interest of more than five percent,
12 whether direct or indirect, is held in each of such persons by another
13 person or by a group of other persons that are affiliated persons with
14 respect to each other.

15 (2) Marketplace seller. Any person, whether or not such person is
16 required to obtain a certificate of authority under section eleven
17 hundred thirty-four of this article, who has an agreement with a market-
18 place provider under which the marketplace provider will facilitate
19 sales of tangible personal property by such person within the meaning of
20 paragraph one of this subdivision.

21 § 2. Subdivision 1 of section 1131 of the tax law, as amended by
22 section 1 of part X of chapter 59 of the laws of 2018, is amended to
23 read as follows:

24 (1) "Persons required to collect tax" or "person required to collect
25 any tax imposed by this article" shall include: every vendor of tangible
26 personal property or services; every recipient of amusement charges;
27 [and] every operator of a hotel; and every marketplace provider with
28 respect to sales of tangible personal property it facilitates as

1 described in paragraph one of subdivision (e) of section eleven hundred
2 one of this article. Said terms shall also include any officer, director
3 or employee of a corporation or of a dissolved corporation, any employee
4 of a partnership, any employee or manager of a limited liability compa-
5 ny, or any employee of an individual proprietorship who as such officer,
6 director, employee or manager is under a duty to act for such corpo-
7 ration, partnership, limited liability company or individual proprietor-
8 ship in complying with any requirement of this article, or has so acted;
9 and any member of a partnership or limited liability company. Provided,
10 however, that any person who is a vendor solely by reason of clause (D)
11 or (E) of subparagraph (i) of paragraph (8) of subdivision (b) of
12 section eleven hundred one of this article shall not be a "person
13 required to collect any tax imposed by this article" until twenty days
14 after the date by which such person is required to file a certificate of
15 registration pursuant to section eleven hundred thirty-four of this
16 part.

17 § 3. Section 1132 of the tax law is amended by adding a new subdivi-
18 sion (1) to read as follows:

19 (1)(1) A marketplace provider with respect to a sale of tangible
20 personal property it facilitates: (A) shall have all the obligations and
21 rights of a vendor under this article and article twenty-nine of this
22 chapter and under any regulations adopted pursuant thereto, including,
23 but not limited to, the duty to obtain a certificate of authority, to
24 collect tax, file returns, remit tax, and the right to accept a certif-
25 icate or other documentation from a customer substantiating an exemption
26 or exclusion from tax, the right to receive the refund authorized by
27 subdivision (e) of this section and the credit allowed by subdivision
28 (f) of section eleven hundred thirty-seven of this part subject to the

1 provisions of such subdivisions; and (B) shall keep such records and
2 information and cooperate with the commissioner to ensure the proper
3 collection and remittance of tax imposed, collected or required to be
4 collected under this article and article twenty-nine of this chapter.

5 (2) A marketplace seller who is a vendor is relieved from the duty to
6 collect tax in regard to a particular sale of tangible personal property
7 subject to tax under subdivision (a) of section eleven hundred five of
8 this article and shall not include the receipts from such sale in its
9 taxable receipts for purposes of section eleven hundred thirty-six of
10 this part if, in regard to such sale: (A) the marketplace seller can
11 show that such sale was facilitated by a marketplace provider from whom
12 such seller has received in good faith a properly completed certificate
13 of collection in a form prescribed by the commissioner, certifying that
14 the marketplace provider is registered to collect sales tax and will
15 collect sales tax on all taxable sales of tangible personal property by
16 the marketplace seller facilitated by the marketplace provider, and with
17 such other information as the commissioner may prescribe; and (B) any
18 failure of the marketplace provider to collect the proper amount of tax
19 in regard to such sale was not the result of such marketplace seller
20 providing the marketplace provider with incorrect information. This
21 provision shall be administered in a manner consistent with subparagraph
22 (i) of paragraph one of subdivision (c) of this section as if a certif-
23 icate of collection were a resale or exemption certificate for purposes
24 of such subparagraph, including with regard to the completeness of such
25 certificate of collection and the timing of its acceptance by the
26 marketplace seller. Provided that, with regard to any sales of tangible
27 personal property by a marketplace seller that are facilitated by a
28 marketplace provider who is affiliated with such marketplace seller

1 within the meaning of paragraph one of subdivision (e) of section eleven
2 hundred one of this article, the marketplace seller shall be deemed
3 liable as a person under a duty to act for such marketplace provider for
4 purposes of subdivision one of section eleven hundred thirty-one of this
5 part.

6 (3) The commissioner may, in his or her discretion: (A) develop a
7 standard provision, or approve a provision developed by a marketplace
8 provider, in which the marketplace provider obligates itself to collect
9 the tax on behalf of all the marketplace sellers for whom the market-
10 place provider facilitates sales of tangible personal property, with
11 respect to all sales that it facilitates for such sellers where delivery
12 occurs in the state; and (B) provide by regulation or otherwise that the
13 inclusion of such provision in the publicly-available agreement between
14 the marketplace provider and marketplace seller will have the same
15 effect as a marketplace seller's acceptance of a certificate of
16 collection from such marketplace provider under paragraph two of this
17 subdivision.

18 § 4. Section 1133 of the tax law is amended by adding a new subdivi-
19 sion (f) to read as follows:

20 (f) A marketplace provider is relieved of liability under this section
21 for failure to collect the correct amount of tax to the extent that the
22 marketplace provider can show that the error was due to incorrect infor-
23 mation given to the marketplace provider by the marketplace seller.
24 Provided, however, this subdivision shall not apply if the marketplace
25 seller and marketplace provider are affiliated within the meaning of
26 paragraph one of subdivision (e) of section eleven hundred one of this
27 article.

1 § 5. Paragraph 4 of subdivision (a) of section 1136 of the tax law, as
2 amended by section 46 of part K of chapter 61 of the laws of 2011, is
3 amended to read as follows:

4 (4) The return of a vendor of tangible personal property or services
5 shall show such vendor's receipts from sales and the number of gallons
6 of any motor fuel or diesel motor fuel sold and also the aggregate value
7 of tangible personal property and services and number of gallons of such
8 fuels sold by the vendor, the use of which is subject to tax under this
9 article, and the amount of tax payable thereon pursuant to the
10 provisions of section eleven hundred thirty-seven of this part. The
11 return of a recipient of amusement charges shall show all such charges
12 and the amount of tax thereon, and the return of an operator required to
13 collect tax on rents shall show all rents received or charged and the
14 amount of tax thereon. The return of a marketplace seller shall exclude
15 the receipts from a sale of tangible personal property facilitated by a
16 marketplace provider if, in regard to such sale: (A) the marketplace
17 seller has timely received in good faith a properly completed certif-
18 icate of collection from the marketplace provider or the marketplace
19 provider has included a provision approved by the commissioner in the
20 publicly-available agreement between the marketplace provider and the
21 marketplace seller as described in subdivision one of section eleven
22 hundred thirty-two of this part, and (B) the information provided by the
23 marketplace seller to the marketplace provider about such tangible
24 personal property is accurate.

25 § 6. Section 1142 of the tax law is amended by adding a new subdivi-
26 sion 15 to read as follows:

27 (15) To publish a list on the department's website of marketplace
28 providers whose certificates of authority have been revoked and, if

1 necessary to protect sales tax revenue, provide by regulation or other-
2 wise that a marketplace seller who is a vendor will be relieved of the
3 duty to collect tax for sales of tangible personal property facilitated
4 by a marketplace provider only if, in addition to the conditions
5 prescribed by paragraph two of subdivision (1) of section eleven hundred
6 thirty-two of this part being met, such marketplace provider is not on
7 such list at the commencement of the quarterly period covered thereby.

8 § 7. This act shall take effect immediately and shall apply to sales
9 made on or after September 1, 2019.

10 PART H

11 Section 1. Subparagraph (A) of paragraph 1 of subdivision (b) of
12 section 1105 of the tax law, as amended by section 9 of part S of chap-
13 ter 85 of the laws of 2002, is amended to read as follows:

14 (A) gas, electricity, refrigeration and steam, and gas, electric,
15 refrigeration and steam service of whatever nature, including the trans-
16 portation, transmission or distribution of gas or electricity, even if
17 sold separately;

18 § 2. Section 1105-C of the tax law is REPEALED.

19 § 3. Subparagraph (xi) of paragraph 4 of subdivision (a) of section
20 1210 of the tax law is REPEALED.

21 § 4. Paragraph 8 of subdivision (b) of section 11-2001 of the adminis-
22 trative code of the city of New York is REPEALED.

23 § 5. This act shall take effect June 1, 2019, and shall apply to sales
24 made and services rendered on and after that date, whether or not under
25 a prior contract.

1

PART I

2 Section 1. Subdivision 3 of section 1204 of the real property tax law,
3 as added by chapter 115 of the laws of 2018, is amended to read as
4 follows:

5 3. Where the tentative equalization rate is not within plus or minus
6 five [percentage points] percent of the locally stated level of assess-
7 ment, the assessor shall provide notice in writing to the local govern-
8 ing body of any affected town, city, village, county and school district
9 of the difference between the locally stated level of assessment and the
10 tentative equalization rate. Such notice shall be made within ten days
11 of the receipt of the tentative equalization rate, or within ten days of
12 the filing of the tentative assessment roll, whichever is later, and
13 shall provide the difference in the indicated total full value estimates
14 of the locally stated level of assessment and the tentative equalization
15 rate for the taxable property within each affected town, city, village,
16 county and school district, where applicable.

17 § 2. The real property tax law is amended by adding a new section 1211
18 to read as follows:

19 § 1211. Confirmation by commissioner of the locally stated level of
20 assessment. Notwithstanding the foregoing provisions of this title,
21 before the commissioner determines a tentative equalization rate for a
22 city, town or village, he or she shall examine the accuracy of the
23 locally stated level of assessment appearing on the tentative assessment
24 roll. If the commissioner confirms the locally stated level of assess-
25 ment, then as soon thereafter as is practicable, he or she shall estab-
26 lish and certify such locally stated level of assessment as the final
27 equalization rate for such city, town or village in the manner provided

1 by sections twelve hundred ten and twelve hundred twelve of this title.
2 The provisions of sections twelve hundred four, twelve hundred six and
3 twelve hundred eight of this title shall not apply in such cases, unless
4 the commissioner finds that the final assessment roll differs from the
5 tentative assessment roll to an extent that renders the locally stated
6 level of assessment inaccurate, and rescinds the final equalization rate
7 on that basis.

8 § 3. Paragraph (d) of subdivision 1 of section 1314 of the real prop-
9 erty tax law, as amended by chapter 158 of the laws of 2002, is amended
10 to read as follows:

11 (d) (i) Such district superintendent shall also determine what propor-
12 tion of any tax to be levied in such school district for school purposes
13 during the current school year shall be levied upon each part of a city
14 or town included in such school district by dividing the sum of the full
15 valuation of real property in such part of a city or town by the total
16 of all such full valuations of real property in such school district.
17 Provided, however, that prior to the levy of taxes, the governing body
18 of the school district may adopt a resolution directing such proportions
19 to be based upon the average full valuation of real property in each
20 such city or town over either a three-year period, consisting of the
21 current school year and the two prior school years, or over a five-year
22 period, consisting of the current school year and the four prior school
23 years. Once such a resolution has been adopted, the proportions for
24 ensuing school years shall continue to be based upon the average full
25 valuation of real property in each such city or town over the selected
26 period, unless the resolution provides otherwise or is repealed.

27 (ii) Such proportions shall be expressed in the nearest exact ten
28 thousandths and the school authorities of such school district shall

1 levy such a proportion of any tax to be raised in the school district
2 during the current school year upon each part of a city or town included
3 in such school district as shall have been determined by the district
4 superintendent. A new proportion shall be determined for each school
5 year thereafter by the district superintendent in accordance with the
6 provisions of this section by the use of the latest state equalization
7 rates. In any such school district that is not within the jurisdiction
8 of a district superintendent of schools, the duties which would other-
9 wise be performed by the district superintendent under the provisions of
10 this section, shall be performed by the school authorities of such
11 district.

12 § 4. This act shall take effect immediately.

13 PART J

14 Section 1. This Part enacts into law major components of legislation
15 relating to the improvement of the administration of real property taxa-
16 tion in accordance with the real property tax law and other laws relat-
17 ing thereto. Each component is wholly contained within a Subpart identi-
18 fied as Subparts A through F. The effective date for each particular
19 provision contained within such Subpart is set forth in the last section
20 of such Subpart. Any provision in any section contained within a
21 Subpart, including the effective date of the Subpart, which makes a
22 reference to a section "of this act", when used in connection with that
23 particular component, shall be deemed to mean and refer to the corre-
24 sponding section of the Subpart in which it is found. Section three of
25 this Part sets forth the general effective date of this Part.

1

SUBPART A

2 Section 1. The real property tax law is amended by adding a new
3 section 497 to read as follows:

4 § 497. Assessment relief in state disaster emergencies. 1. Notwith-
5 standing any provision of law to the contrary, during a state disaster
6 emergency as defined by section twenty of the executive law, an eligible
7 municipality may exercise the provisions of this section if its govern-
8 ing body, by the sixtieth day following the date upon which the governor
9 declares a state disaster emergency, passes a local law or ordinance, or
10 in the case of a school district a resolution, adopting the provisions
11 of this section. An eligible municipality may provide assessment relief
12 for real property that is impacted by the disaster that led to the
13 declaration of the state disaster emergency, and that is located within
14 such municipality, as provided in subparagraphs (i), (ii), (iii) or (iv)
15 of paragraph (a) of subdivision three of this section only if its
16 governing body specifically elects to do so as part of such local law,
17 ordinance or resolution. A copy of any such local law, ordinance or
18 resolution shall be filed with the commissioner within ten days after
19 the adoption thereof.

20 2. Definitions. For the purposes of this section, the following terms
21 shall have the following meanings:

22 a. "Eligible county" shall mean a county, other than a county wholly
23 contained within a city, specifically referenced within a declaration by
24 the governor of a state disaster emergency.

25 b. "Eligible municipality" shall mean a municipal corporation, as
26 defined by subdivision ten of section one hundred two of this chapter,
27 that is either: (i) an eligible county; or (ii) a city, town, village,

1 special district, or school district that is wholly or partly contained
2 within an eligible county.

3 c. "Impacted tax roll" shall mean the final assessment roll that
4 satisfies both of the following conditions: (a) the roll is based upon a
5 taxable status date occurring prior to a disaster that is the subject of
6 a declaration by the governor of a state disaster emergency; and (b)
7 taxes levied upon that roll by or on behalf of a participating munici-
8 pality are payable without interest on or after the date of the disas-
9 ter.

10 d. "Participating municipality" shall mean an eligible municipality
11 that has passed a local law, ordinance, or resolution to provide assess-
12 ment relief to property owners within such eligible municipality pursu-
13 ant to the provisions of this section.

14 e. "Total assessed value" shall mean the total assessed value of the
15 parcel prior to any and all exemption adjustments.

16 f. "Improved value" shall mean the market value of the real property
17 improvements excluding the land.

18 g. "Property" shall mean "real property", "property" or "land" as
19 defined under paragraphs (a) through (g) of subdivision twelve of
20 section one hundred two of this chapter.

21 3. Assessment relief for disaster victims in an eligible county. (a)
22 Notwithstanding any provision of law to the contrary, where real proper-
23 ty is impacted by a disaster that led to the declaration of a state
24 disaster emergency, and such property is located within a participating
25 municipality, assessment relief shall be granted as follows:

26 (i) If a participating municipality has elected to provide assessment
27 relief for real property that lost at least ten percent but less than
28 twenty percent of its improved value due to a disaster, the assessed

1 value attributable to the improvements shall be reduced by fifteen
2 percent for purposes of the participating municipality on the impacted
3 tax roll.

4 (ii) If a participating municipality has elected to provide assessment
5 relief for real property that lost at least twenty percent but less than
6 thirty percent of its improved value due to a disaster, the assessed
7 value attributable to the improvements shall be reduced by twenty-five
8 percent for purposes of the participating municipality on the impacted
9 tax roll.

10 (iii) If a participating municipality has elected to provide assess-
11 ment relief for real property that lost at least thirty percent but less
12 than forty percent of its improved value due to a disaster, the assessed
13 value attributable to the improvements shall be reduced by thirty-five
14 percent for purposes of the participating municipality on the impacted
15 tax roll.

16 (iv) If a participating municipality has elected to provide assessment
17 relief for real property that lost at least forty percent but less than
18 fifty percent of its improved value due to a disaster, the assessed
19 value attributable to the improvements shall be reduced by forty-five
20 percent for purposes of the participating municipality on the impacted
21 tax roll.

22 (v) If the property lost at least fifty but less than sixty percent of
23 its improved value due to a disaster, the assessed value attributable to
24 the improvements shall be reduced by fifty-five percent for purposes of
25 the participating municipality on the impacted tax roll.

26 (vi) If the property lost at least sixty but less than seventy percent
27 of its improved value due to a disaster, the assessed value attributable

1 to the improvements shall be reduced by sixty-five percent for purposes
2 of the participating municipality on the impacted tax roll.

3 (vii) If the property lost at least seventy but less than eighty
4 percent of its improved value due to a disaster, the assessed value
5 attributable to the improvements shall be reduced by seventy-five
6 percent for purposes of the participating municipality on the impacted
7 tax roll.

8 (viii) If the property lost at least eighty but less than ninety
9 percent of its improved value due to a disaster, the assessed value
10 attributable to the improvements shall be reduced by eighty-five percent
11 for purposes of the participating municipality on the impacted tax roll.

12 (ix) If the property lost at least ninety but less than one hundred
13 percent of its improved value due to a disaster, the assessed value
14 attributable to the improvements shall be reduced by ninety-five percent
15 for purposes of the participating municipality on the impacted tax roll.

16 (x) If the property lost one hundred percent of its improved value due
17 to a disaster, the assessed value attributable to the improvements shall
18 be reduced by one hundred percent for purposes of the participating
19 municipality on the impacted tax roll.

20 (xi) The percentage loss in improved value for this purpose shall be
21 adopted by the assessor from a written finding of the Federal Emergency
22 Management Agency or, where no such finding exists, shall be determined
23 by the assessor in the manner provided by this section, subject to
24 review by the board of assessment review.

25 (xii) Where the assessed value of a property is reduced pursuant to
26 this section, the difference between the property's assessed value and
27 its reduced assessed value shall be exempt from taxation. No reduction
28 in assessed value shall be granted pursuant to this section except as

1 specified above for such counties. No reduction in assessed value shall
2 be granted pursuant to this section for purposes of any county, city,
3 town, village or school district that has not adopted the provisions of
4 this section.

5 (b) To receive such relief pursuant to this section, a property owner
6 in a participating municipality shall submit a written request to the
7 assessor on a form prescribed by the commissioner within one hundred
8 twenty days following the date upon which the state disaster emergency
9 was declared by the governor, provided, however, that such one hundred
10 twenty day period may be extended to a total of up to one hundred eighty
11 days by a local law, ordinance or resolution adopted by the governing
12 body of the assessing unit. A copy of any such local law, ordinance or
13 resolution shall be filed with the commissioner. Such request shall
14 attach any and all determinations by the Federal Emergency Management
15 Agency, and any and all reports by an insurance adjuster, shall describe
16 in reasonable detail the damage caused to the property by the disaster
17 and the condition of the property following the disaster, and shall be
18 accompanied by supporting documentation, if available.

19 (c) Upon receiving such a request, the assessor shall adopt the find-
20 ing by the Federal Emergency Management Agency or, if such finding does
21 not exist, the assessor shall make a finding as to whether the property
22 lost at least fifty percent of its improved value or, if a participating
23 municipality has elected to provide assessment relief for real property
24 that lost a lesser percentage of improved value such lesser percentage
25 of its improved value, as a result of a disaster. The assessor shall
26 thereafter adopt or classify the percentage loss of improved value with-
27 in one of the following ranges:

1 (i) At least ten percent but less than twenty percent, provided that
2 this range shall only be applicable if a participating municipality has
3 elected to provide assessment relief for losses within this range,

4 (ii) At least twenty percent but less than thirty percent, provided
5 that this range shall only be applicable if a participating municipality
6 has elected to provide assessment relief for losses within this range,

7 (iii) At least thirty percent but less than forty percent, provided
8 that this range shall only be applicable if a participating municipality
9 has elected to provide assessment relief for losses within this range,

10 (iv) At least forty percent but less than fifty percent, provided that
11 this range shall only be applicable if a participating municipality has
12 elected to provide assessment relief for losses within this range,

13 (v) At least fifty percent but less than sixty percent,

14 (vi) At least sixty percent but less than seventy percent,

15 (vii) At least seventy percent but less than eighty percent,

16 (viii) At least eighty percent but less than ninety percent,

17 (ix) At least ninety percent but less than one hundred percent, or

18 (x) One hundred percent.

19 (d) On or before the thirtieth day after the last date for the filing
20 of requests for relief pursuant to this section, the assessor shall mail
21 written notice of such findings to the property owner and participating
22 municipality. The notice shall indicate that if the property owner is
23 dissatisfied with these findings, he or she may file a complaint with
24 the board of assessment review up until the date specified in such
25 notice, which date shall be the twenty-first day after the last date for
26 the mailing of such notices. If any complaints are so filed, such board
27 shall reconvene upon ten days written notice to the property owner and
28 assessor to hear and determine the complaint, and shall mail written

1 notice of its determination to the assessor and property owner within
2 fifteen days of such hearing. The provisions of article five of this
3 chapter shall govern the review process to the extent practicable. For
4 the purposes of this section only, the applicant may commence, within
5 thirty days of mailing of a written determination, a proceeding under
6 title one of article seven of this chapter or, if applicable, under
7 title one-A of article seven of this chapter. Sections seven hundred
8 twenty-seven and seven hundred thirty-nine of this chapter shall not
9 apply.

10 (e) Where property has lost at least fifty percent of its improved
11 value or, if a participating municipality has elected to provide assess-
12 ment relief for real property that lost a lesser percentage of improved
13 value such lesser percentage, due to a disaster, the assessed value
14 attributable to the improvements on the property on the impacted assess-
15 ment roll shall be reduced by the appropriate percentage specified in
16 paragraph (a) of this subdivision, provided that any exemptions that the
17 property may be receiving shall be adjusted as necessary to account for
18 such reduction in the total assessed value. To the extent the total
19 assessed value of the property originally appearing on such roll exceeds
20 the amount to which it should be reduced pursuant to this section, the
21 excess shall be considered an error in essential fact as defined by
22 subdivision three of section five hundred fifty of this chapter. The
23 assessor shall thereupon be authorized and directed to correct the
24 assessment roll accordingly or, if another person has custody or control
25 of the assessment roll, to direct such person to make the appropriate
26 corrections. If the correction is made after taxes are levied but before
27 such taxes are paid, the collecting officer shall be authorized and
28 directed to correct the applicant's tax bill accordingly. If the

1 correction is made after taxes are paid, the authorities of each partic-
2 ipating municipal corporation shall be authorized and directed to issue
3 a refund in the amount of the excess taxes paid with regard to such
4 participating municipal corporation.

5 (f) The rights contained in this section shall not otherwise diminish
6 any other legally available right of any property owner or party who may
7 otherwise lawfully challenge the valuation or assessment of any real
8 property or improvements thereon. All remaining rights hereby remain
9 and shall be available to the party to whom such rights would otherwise
10 be available notwithstanding this section.

11 4. School districts held harmless. Each school district that is wholly
12 or partially contained within an eligible county shall be held harmless
13 by the state for any reduction in state aid that would have been paid as
14 tax savings pursuant to section thirteen hundred six-a of this chapter
15 incurred due to the provisions of this section.

16 5. Bonds authorized. Serial bonds and, in advance of such, bond antic-
17 ipation notes are hereby authorized pursuant to subdivision thirty-
18 three-e of paragraph a of section 11.00 of the local finance law,
19 provided, however, that any federal community development block grant
20 funding received by such participating municipality, in relation to loss
21 of property tax funding, shall first be used to defease, upon maturity,
22 the interest and principal of any such bond or note so outstanding.

23 § 2. Paragraph a of section 11.00 of the local finance law is amended
24 by adding a new subdivision 33-e to read as follows:

25 33-e. Real property tax refunds and credits. Payments of exemptions,
26 refunds, or credits for real property tax, sewer and water rents, rates
27 and charges and all other real property taxes to be made by a munici-
28 pality, school district or district corporation as a result of providing

1 assessment relief in a state disaster emergency pursuant to section four
2 hundred ninety-seven of the real property tax law, ten years.

3 § 3. This act shall take effect immediately.

4 SUBPART B

5 Section 1. Paragraph (b) of subdivision 1 of section 523 of the real
6 property tax law, as amended by chapter 223 of the laws of 1987, is
7 amended to read as follows:

8 (b) The board of assessment review shall consist of not less than
9 three nor more than five members appointed by the legislative body of
10 the local government or village or as provided by subdivision five of
11 section fifteen hundred thirty-seven of this chapter, if applicable.

12 Members shall have a knowledge of property values in the local govern-
13 ment or village. Neither the assessor nor any member of his or her staff
14 may be appointed to the board of assessment review. A majority of such
15 board shall consist of members who are not officers or employees of the
16 local government or village.

17 § 2. Subdivision 1 of section 1537 of the real property tax law, as
18 added by chapter 512 of the laws of 1993, is amended and a new subdivi-
19 sion 5 is added to read as follows:

20 1. (a) An assessing unit and a county shall have the power to enter
21 into, amend, cancel and terminate an agreement for appraisal services,
22 exemption services, [or] assessment services, or assessment review
23 services, in the manner provided by this section. Such an agreement
24 shall be considered an agreement for the provision of a "joint service"
25 for purposes of article five-G of the general municipal law, notwith-

1 standing the fact that the county would not have the power to perform
2 such services in the absence of such an agreement.

3 (b) Any such agreement shall be approved by both the assessing unit
4 and the county, by a majority vote of the voting strength of each
5 governing body.

6 (c) In the case of an assessing unit, no such agreement shall be
7 submitted to the governing body for approval unless at least forty-five
8 days prior to such submission, the governing body shall have adopted a
9 resolution, subject to a permissive referendum, authorizing the assess-
10 ing unit to negotiate such an agreement with the county; provided,
11 however, that such prior authorization shall not be required for an
12 agreement to amend, cancel or terminate an existing agreement pursuant
13 to this section.

14 5. An agreement between an assessing unit and a county for assessment
15 review services shall provide for the members of the board of assessment
16 review of the assessing unit to be appointed by the legislative body of
17 the county upon the recommendation of the county director of the real
18 property tax services. Each member so appointed shall be a resident of
19 the county but need not be a resident of the assessing unit. The board
20 of assessment review as so constituted shall have the authority to
21 receive, review and resolve petitions for assessment review filed in
22 such assessing unit, and for the corrections of errors therein, to the
23 full extent set forth in article five of this chapter.

24 § 3. Subdivision 1 of section 1408 of the real property tax law, as
25 amended by chapter 473 of the laws of 1984, is amended to read as
26 follows:

27 1. At the time and place and during the hours specified in the notice
28 given pursuant to section fourteen hundred six of this chapter, the

1 board of review shall meet to hear complaints relating to assessments
2 brought before it. The board of trustees and assessors, or a committee
3 of such board constituting at least a majority thereof and the assessors
4 or a board of assessment review constituted pursuant to section five
5 hundred twenty-three of this chapter, or as provided by subdivision five
6 of section fifteen hundred thirty-seven of this chapter, if applicable,
7 shall constitute the board of review.

8 § 4. This act shall take effect immediately.

9 SUBPART C

10 Section 1. Subdivision 4 of section 318 of the real property tax law,
11 as amended by chapter 527 of the laws of 1997 and as further amended by
12 subdivision (b) of section 1 of part W of chapter 56 of the laws of
13 2010, is amended to read as follows:

14 4. Notwithstanding the provisions of this subdivision or any other
15 law, the travel and other actual and necessary expenses incurred by an
16 appointed or elected assessor, or by a person appointed assessor for a
17 forthcoming term, or by an assessor-elect prior to the commencement of
18 his or her term, in satisfactorily completing courses of training as
19 required by this title or as approved by the commissioner, including
20 continuing education courses prescribed by the commissioner which are
21 satisfactorily completed by any elected assessor, shall be a state
22 charge upon audit by the comptroller. Travel and other actual and neces-
23 sary expenses incurred by an acting assessor who has been exercising the
24 powers and duties of the assessor for a period of at least six months,
25 in attending training courses no earlier than twelve months prior to the
26 date when courses of training and education are required, shall also be

1 a state charge upon audit by the comptroller. Candidates for certif-
2 ication as eligible for the position of assessor, other than assessors
3 or assessors-elect, shall be charged for the cost of training materials
4 and shall be responsible for all other costs incurred by them in
5 connection with such training. Notwithstanding the foregoing provisions
6 of this subdivision, if the provider of a training course has asked the
7 commissioner to approve the course for credit only, so that attendees
8 who successfully complete the course would be entitled to receive credit
9 without having their expenses reimbursed by the state, and the commis-
10 sioner has agreed to do so, the travel and other actual and necessary
11 expenses incurred by such attendees shall not be a state charge.

12 § 2. Paragraph f of subdivision 3 of section 1530 of the real property
13 tax law, as amended by chapter 361 of the laws of 1986 and as further
14 amended by subdivision (b) of section 1 of part W of chapter 56 of the
15 laws of 2010, is amended to read as follows:

16 f. Expenses in attending training courses. Notwithstanding the
17 provisions of any other law, the travel and other actual and necessary
18 expenses incurred by a director or a person appointed director for a
19 forthcoming term in attending courses of training as required by this
20 subdivision or as approved by the commissioner shall be a state charge
21 upon audit by the comptroller. Notwithstanding the foregoing provisions
22 of this paragraph, if the provider of a training course has asked the
23 commissioner to approve the course for credit only, so that attendees
24 who successfully complete the course would be entitled to receive credit
25 without having their expenses reimbursed by the state, and the commis-
26 sioner has agreed to do so, the travel and other actual and necessary
27 expenses incurred by such attendees shall not be a state charge.

28 § 3. This act shall take effect immediately.

1

SUBPART D

2 Section 1. Section 104 of the real property tax law, as added by
3 section 1 of part U of chapter 61 of the laws of 2011, is amended to
4 read as follows:

5 § 104. Electronic real property tax administration. 1. Notwithstanding
6 any provision of law to the contrary, the commissioner is hereby author-
7 ized to establish standards for electronic real property tax adminis-
8 tration (E-RPT). Such standards shall set forth the terms and conditions
9 under which the various tasks associated with real property tax adminis-
10 tration may be executed electronically, dispensing with the need for
11 paper documents. Such tasks shall include any or all of the following:

- 12 (a) The filing of exemption applications;
- 13 (b) The filing of petitions for administrative review of assessments;
- 14 (c) The filing of petitions for judicial review of assessments;
- 15 (d) The filing of applications for administrative corrections of
16 errors;
- 17 (e) The issuance of statements of taxes;
- 18 (f) The payment of taxes, subject to the provisions of sections five
19 and five-b of the general municipal law;
- 20 (g) The provision of receipts for the payment of taxes;
- 21 (h) The issuance of taxpayer notices required by law, including
22 sections five hundred eight, five hundred ten, five hundred ten-a, five
23 hundred eleven, five hundred twenty-five and five hundred fifty-one-a
24 through five hundred fifty-six-b of this chapter; and
- 25 (i) The furnishing of notices and certificates under this chapter
26 relating to state equalization rates, residential assessment ratios,
27 special franchise assessments, railroad ceilings, taxable state lands,

1 advisory appraisals, and the certification of assessors and county
2 directors or real property tax services, subject to the provisions of
3 subdivision five of this section.

4 2. Such standards shall be developed after consultation with local
5 government officials, the office of court administration in the case of
6 standards relating to petitions for judicial review of assessments, and
7 the office of the state comptroller in the case of standards relating to
8 payments or taxes and the issuance of receipts therefor.

9 3. (a) Taxpayers shall not be required to accept notices, statements
10 of taxes, receipts for the payment of taxes, or other documents elec-
11 tronically unless they have so elected. Taxpayers who have not so
12 elected shall be sent such communications in the manner otherwise
13 provided by law.

14 (b) [Assessors and other municipal officials shall not be required to
15 accept and respond to communications from the commissioner electron-
16 ically.

17 (c)] The governing board of any municipal corporation may, by local
18 law, ordinance or resolution, determine that it is in the public inter-
19 est for such municipal corporation to provide electronic real property
20 tax administration. Upon adoption of such local law, ordinance or resol-
21 ution, such municipal corporation shall comply with standards set forth
22 by the commissioner.

23 [(d)] (c) The standards prescribed by the commissioner pursuant to
24 this section relating to communications with taxpayers shall provide for
25 the collection of electronic contact information, such as e-mail
26 addresses and/or social network usernames, from taxpayers who have
27 elected to receive electronic communications in accordance with the
28 provisions of this section. Such information shall be exempt from public

1 disclosure in accordance with section eighty-nine of the public officers
2 law.

3 4. When a document has been transmitted electronically in accordance
4 with the provisions of this section and the standards adopted by the
5 commissioner hereunder, it shall be deemed to satisfy the applicable
6 legal requirements to the same extent as if it had been mailed via the
7 United States postal service.

8 5. (a) On and after January first, two thousand twenty, whenever the
9 commissioner is obliged by law to mail a notice of the determination of
10 a tentative state equalization rate, tentative special franchise assess-
11 ment, tentative assessment ceiling or other tentative determination of
12 the commissioner that is subject to administrative review, the commis-
13 sioner shall be authorized to furnish the required notice by e-mail, or
14 by causing it to be posted on the department's website, or both, at his
15 or her discretion. Notwithstanding any provision of law to the contrary,
16 the commissioner shall not be required to furnish such notices by postal
17 mail, except as provided by paragraphs (d) and (e) of this subdivision.

18 (b) When providing notice of a tentative determination by e-mail
19 pursuant to this subdivision, the commissioner shall specify an e-mail
20 address to which complaints regarding such tentative determination may
21 be sent. A complaint that is sent to the commissioner by e-mail to the
22 specified e-mail address by the date prescribed by law for the mailing
23 of such complaints shall be deemed valid to the same extent as if it had
24 been sent by postal mail.

25 (c) When a final determination is made in such a matter, notice of the
26 final determination and any certificate relating thereto shall be
27 furnished by e-mail or by a website posting, at the commissioner's

1 discretion, and need not be provided by postal mail, except as provided
2 by paragraphs (d) and (e) of this subdivision.

3 (d) If an assessor has advised the commissioner in writing that he or
4 she prefers to receive the notices described in this subdivision by
5 postal mail, the commissioner shall thereafter send such notices to that
6 assessor by postal mail, and need not send such notices to that assessor
7 by e-mail. The commissioner shall prescribe a form that assessors may
8 use to advise the commissioner of their preference for postal mail.

9 (e) If the commissioner learns that an e-mail address to which a
10 notice has been sent pursuant to this subdivision is not valid, and the
11 commissioner cannot find a valid e-mail address for that party, the
12 commissioner shall resend the notice to the party by postal mail. If the
13 commissioner does not have a valid e-mail address for the party at the
14 time the notice is initially required to be sent, the commissioner shall
15 send the notice to that party by postal mail.

16 (f) On or before November thirtieth, two thousand nineteen, the
17 commissioner shall send a notice by postal mail to assessors, to chief
18 executive officers of assessing units, and to owners of special fran-
19 chise property and railroad property, informing them of the provisions
20 of this section. The notice to be sent to assessors shall include a
21 copy of the form prescribed pursuant to paragraph (d) of this subdivi-
22 sion.

23 (g) As used in this subdivision, the term "postal mail" shall mean
24 mail that is physically delivered to the addressee by the United States
25 postal service.

26 § 2. This act shall take effect immediately.

1 Section 1. Subdivision 4 of section 302 of the real property tax law,
2 as amended by chapter 348 of the laws of 2007, is amended to read as
3 follows:

4 4. The taxable status of a special franchise shall be determined on
5 the basis of its value and its ownership as of the first day of [July]
6 January of the year preceding the year in which the assessment roll on
7 which such property is to be assessed is completed and filed in the
8 office of the city or town clerk, except that taxable status of such
9 properties shall be determined on the basis of ownership as of the first
10 day of [July] January of the second year preceding the date required by
11 law for the filing of the final assessment roll for purposes of all
12 village assessment rolls.

13 § 2. Subdivision 2 of section 606 of the real property tax law, as
14 amended by chapter 743 of the laws of 2005 and as further amended by
15 subdivision (b) of section 1 of part W of chapter 56 of the laws of
16 2010, is amended to read as follows:

17 2. In any assessing unit which has completed a revaluation since nine-
18 teen hundred fifty-three or which does not contain property that was
19 assessed in nineteen hundred fifty-three, the commissioner shall deter-
20 mine the full value of such special franchise as of the [valuation date
21 of the assessing unit] taxable status date specified by subdivision four
22 of section three hundred two of this chapter. Such full value shall be
23 determined by the commissioner for purposes of sections six hundred
24 eight, six hundred fourteen and six hundred sixteen of this article.
25 These full values shall be entered on the assessment roll at the level
26 of assessment, which shall be the uniform percentage of value, as
27 required by section five hundred two of this chapter, appearing on the
28 tentative assessment roll upon which the assessment is entered. Whenever

1 a final state equalization rate, or, in the case of a special assessing
2 unit, a class equalization rate, is established that is different from a
3 level of assessment applied pursuant to this paragraph, any public offi-
4 cial having custody of that assessment roll is hereby authorized and
5 directed to recompute these assessments to reflect that equalization
6 rate, provided such final rate is established by the commissioner at
7 least ten days prior to the date for levy of taxes against those assess-
8 ments.

9 § 3. This act shall take effect January 1, 2020.

10 SUBPART F

11 Section 1. The real property tax law is amended by adding a new
12 section 575-a to read as follows:

13 § 575-a. Electric generating facility annual reports. 1. Every corpo-
14 ration, company, association, joint stock association, partnership and
15 person, their lessees, trustees or receivers appointed by any court
16 whatsoever, owning, operating or managing any electric generating facil-
17 ity in the state shall annually file with the commissioner, by April
18 thirtieth, a report showing the inventory, revenue, and expenses associ-
19 ated therewith for the most recent fiscal year. Such report shall be in
20 the form and manner prescribed by the commissioner.

21 2. When used in this section, "electric generating facility" shall
22 mean any facility that generates electricity for sale, directly or indi-
23 rectly, to the public, including the land upon which the facility is
24 located, any equipment used in such generation, and equipment leading
25 from the facility to the interconnection with the electric transmission
26 system, but shall not include:

1 (a) any equipment in the electric transmission system; and
2 (b) any electric generating equipment owned or operated by a residen-
3 tial customer of an electric generating facility, including the land
4 upon which the equipment is located, when located and used at his or her
5 residence.

6 3. Every electric generating facility owner, operator, or manager
7 failing to make the report required by this section, or failing to make
8 any report required by the commissioner pursuant to this section within
9 the time specified by it, shall forfeit to the people of the state the
10 sum of ten thousand dollars for every such failure and the additional
11 sum of one thousand dollars for each day that such failure continues.

12 § 2. This act shall take effect January 1, 2020.

13 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
14 sion, section or subpart of this act shall be adjudged by any court of
15 competent jurisdiction to be invalid, such judgment shall not affect,
16 impair, or invalidate the remainder thereof, but shall be confined in
17 its operation to the clause, sentence, paragraph, subdivision, section
18 or subpart thereof directly involved in the controversy in which such
19 judgment shall have been rendered. It is hereby declared to be the
20 intent of the legislature that this act would have been enacted even if
21 such invalid provisions had not been included herein.

22 § 3. This act shall take effect immediately provided, however, that
23 the applicable effective date of Subparts A through F of this Part shall
24 be as specifically set forth in the last section of such Subparts.

1 Section 1. Section 3-d of the general municipal law, as added by
2 section 2 of part E of chapter 59 of the laws of 2018, is REPEALED.

3 § 2. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after April 12, 2018.

5 PART L

6 Section 1. The tax law is amended by adding a new section 44 to read
7 as follows:

8 § 44. Employer-provided child care credit. (a) General. A taxpayer
9 subject to tax under article nine-A, twenty-two, or thirty-three of this
10 chapter shall be allowed a credit against such tax in an amount equal to
11 the portion of the credit that is allowed to the taxpayer under section
12 45F of the internal revenue code that is attributable to (i) qualified
13 child care expenditures paid or incurred with respect to a qualified
14 child care facility with a situs in the state, and to (ii) qualified
15 child care resource and referral expenditures paid or incurred with
16 respect to the taxpayer's employees working in the state. The credit
17 allowable under this subdivision for any taxable year shall not exceed
18 one hundred fifty thousand dollars. If the entity operating the quali-
19 fied child care facility is a partnership or a New York S corporation,
20 then such cap shall be applied at the entity level, so the aggregate
21 credit allowed to all the partners or shareholders of such entity in a
22 taxable year does not exceed one hundred fifty thousand dollars.

23 (b) Credit recapture. If there is a cessation of operation or change
24 in ownership, as defined by section 45F of the internal revenue code
25 relating to a qualified child care facility with a situs in the state,
26 the taxpayer shall add back the applicable recapture percentage of the

1 credit allowed under this section in accordance with the recapture
2 provisions of section 45F of the internal revenue code, but the recap-
3 ture amount shall be limited to the credit allowed under this section.

4 (c) Reporting requirements. A taxpayer that has claimed a credit under
5 this section shall notify the commissioner of any cessation of opera-
6 tion, change in ownership, or agreement to assume recapture liability as
7 such terms are defined by section 45F of the internal revenue code, in
8 the form and manner prescribed by the commissioner.

9 (d) Definitions. The terms "qualified child care expenditures", "qual-
10 ified child care facility", "qualified child care resource and referral
11 expenditure", "cessation of operation", "change of ownership", and
12 "applicable recapture percentage" shall have the same meanings as in
13 section 45F of the internal revenue code.

14 (e) Cross-references. For application of the credit provided for in
15 this section, see the following provisions of this chapter:

16 (1) article 9-A: section 210-B, subdivision 53;

17 (2) article 22: section 606(i), subsections (i) and (jjj);

18 (3) article 33: section 1511, subdivision (dd).

19 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
20 sion 53 to read as follows:

21 53. Employer-provided child care credit. (a) Allowance of credit. A
22 taxpayer shall be allowed a credit, to be computed as provided in
23 section forty-four of this chapter, against the tax imposed by this
24 article.

25 (b) Application of credit. The credit allowed under this subdivision
26 for any taxable year may not reduce the tax due for such year to less
27 than the amount prescribed in paragraph (d) of subdivision one of
28 section two hundred ten of this article. However, if the amount of the

1 credit allowed under this subdivision for any taxable year reduces the
2 tax to such amount or if the taxpayer otherwise pays tax based on the
3 fixed dollar minimum amount, any amount of credit thus not deductible in
4 such taxable year will be treated as an overpayment of tax to be credit-
5 ed or refunded in accordance with the provisions of section one thousand
6 eighty-six of this chapter. Provided, however, the provisions of
7 subsection (c) of section one thousand eighty-eight of this chapter
8 notwithstanding, no interest shall be paid thereon.

9 (c) Credit recapture. For provisions requiring recapture of credit,
10 see section forty-four of this chapter.

11 § 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
12 of the tax law is amended by adding a new clause (xliv) to read as
13 follows:

14 <u>(xliv) Employer-provided child</u>	<u>Amount of credit under subdivision</u>
15 <u>care credit (jjj)</u>	<u>fifty-three of section two hundred</u>
16	<u>ten-B</u>

17 § 4. Section 606 of the tax law is amended by adding a new subsection
18 (jjj) to read as follows:

19 (jjj) Employer-provided child care credit. (1) Allowance of credit. A
20 taxpayer shall be allowed a credit, to be computed as provided in
21 section forty-four of this chapter, against the tax imposed by this
22 article.

23 (2) Application of credit. If the amount of the credit allowed under
24 this subsection for any taxable year exceeds the taxpayer's tax for such
25 year, the excess will be treated as an overpayment of tax to be credited
26 or refunded in accordance with the provisions of section six hundred
27 eighty-six of this article, provided, however, that no interest will be
28 paid thereon.

1 (3) Credit recapture. For provisions requiring recapture of credit,
2 see section forty-four of this chapter.

3 § 5. Section 1511 of the tax law is amended by adding a new subdivi-
4 sion (dd) to read as follows:

5 (dd) Employer-provided child care credit. (1) Allowance of credit. A
6 taxpayer shall be allowed a credit, to be computed as provided in
7 section forty-four of this chapter, against the tax imposed by this
8 article.

9 (2) Application of credit. The credit allowed under this subdivision
10 shall not reduce the tax due for such year to be less than the minimum
11 fixed by paragraph four of subdivision (a) of section fifteen hundred
12 two or section fifteen hundred two-a of this article, whichever is
13 applicable. However, if the amount of the credit allowed under this
14 subdivision for any taxable year reduces the taxpayer's tax to such
15 amount, any amount of credit thus not deductible will be treated as an
16 overpayment of tax to be credited or refunded in accordance with the
17 provisions of section one thousand eighty-six of this chapter.
18 Provided, however, the provisions of subsection (c) of one thousand
19 eighty-eight of this chapter notwithstanding, no interest shall be paid
20 thereon.

21 (3) Credit recapture. For provisions requiring recapture of credit,
22 see section forty-four of this chapter

23 § 6. This act shall take effect immediately and apply to years begin-
24 ning on or after January 1, 2020.

1 Section 1. Paragraph 1 of subsection (b) of section 631 of the tax law
2 is amended by adding a new subparagraph (D-1) to read as follows:

3 (D-1) gambling winnings in excess of five thousand dollars from wager-
4 ing transactions within the state; or

5 § 2. Paragraph 2 of subsection (b) of section 671 of the tax law is
6 amended by adding a new subparagraph (E) to read as follows:

7 (E) Any gambling winnings from a wagering transaction within this
8 state, if the proceeds from the wager are subject to withholding under
9 section three thousand four hundred two of the internal revenue code.

10 § 3. This act shall take effect immediately and shall apply to taxable
11 years beginning on or after January 1, 2019; provided, however that the
12 amendments to subsection (b) of section 671 of the tax law made by
13 section two of this act shall not affect the expiration of such
14 subsection and shall be deemed to expire therewith.

15 PART N

16 Section 1. Subdivision (c) of section 42 of the tax law, as added by
17 section 1 of part RR of chapter 60 of the laws of 2016, is amended to
18 read as follows:

19 (c) For purposes of this [subdivision] section, the term "eligible
20 farmer" means a taxpayer whose federal gross income from farming as
21 defined in subsection (n) of section six hundred six of this chapter for
22 the taxable year is at least two-thirds of excess federal gross income.
23 Excess federal gross income means the amount of federal gross income
24 from all sources for the taxable year in excess of thirty thousand
25 dollars. For [the] purposes of this [subdivision] section, payments from
26 the state's farmland protection program, administered by the department

1 of agriculture and markets, shall be included as federal gross income
2 from farming for otherwise eligible farmers.

3 § 2. Section 42 of the tax law is amended by adding a new subdivision
4 (d-1) to read as follows:

5 (d-1) Special rules. If more than fifty percent of such eligible farm-
6 er's federal gross income from farming is from the sale of wine from a
7 licensed farm winery as provided for in article six of the alcoholic
8 beverage control law, or from the sale of cider from a licensed farm
9 cidery as provided for in section fifty-eight-c of the alcoholic bever-
10 age control law, then an eligible farm employee of such eligible farmer
11 shall be included for purposes of calculating the amount of credit
12 allowed under this section only if such eligible farm employee is
13 employed by such eligible farmer on qualified agricultural property as
14 defined in paragraph four of subsection (n) of section six hundred six
15 of this chapter.

16 § 3. This act shall take effect immediately and shall apply to taxable
17 years beginning on or after January 1, 2019.

18 PART O

19 Section 1. Section 12 of part N of chapter 61 of the laws of 2005,
20 amending the tax law relating to certain transactions and related infor-
21 mation and relating to the voluntary compliance initiative, as amended
22 by section 1 of part M of chapter 60 of the laws of 2016, is amended to
23 read as follows:

24 § 12. This act shall take effect immediately; provided, however, that
25 (i) section one of this act shall apply to all disclosure statements
26 described in paragraph 1 of subdivision (a) of section 25 of the tax

1 law, as added by section one of this act, that were required to be filed
2 with the internal revenue service at any time with respect to "listed
3 transactions" as described in such paragraph 1, and shall apply to all
4 disclosure statements described in paragraph 1 of subdivision (a) of
5 section 25 of the tax law, as added by section one of this act, that
6 were required to be filed with the internal revenue service with respect
7 to "reportable transactions" as described in such paragraph 1, other
8 than "listed transactions", in which a taxpayer participated during any
9 taxable year for which the statute of limitations for assessment has not
10 expired as of the date this act shall take effect, and shall apply to
11 returns or statements described in such paragraph 1 required to be filed
12 by taxpayers (or persons as described in such paragraph) with the
13 commissioner of taxation and finance on or after the sixtieth day after
14 this act shall have become a law; and

15 (ii) sections two through four and seven through nine of this act
16 shall apply to any tax liability for which the statute of limitations on
17 assessment has not expired as of the date this act shall take effect[;
18 and

19 (iii) provided, further, that the provisions of this act, except
20 section five of this act, shall expire and be deemed repealed July 1,
21 2019; provided, that, such expiration and repeal shall not affect any
22 requirement imposed pursuant to this act].

23 § 2. Subsection (aa) of section 685 of the tax law is REPEALED and a
24 new subsection (aa) is added to read as follows:

25 (aa) Tax preparer penalty.-- (1) If a tax return preparer takes a
26 position on any income tax return or credit claim form that either
27 understates the tax liability or increases the claim for a refund, and
28 the preparer knew, or reasonably should have known, that said position

1 was not proper, and such position was not adequately disclosed on the
2 return or in a statement attached to the return, such income tax prepar-
3 er shall pay a penalty of between one hundred and one thousand dollars.

4 (2) If a tax return preparer takes a position on any income tax return
5 or credit claim form that either understates the tax liability or
6 increases the claim for a refund and the understatement of the tax
7 liability or the increased claim for refund is due to the preparer's
8 reckless or intentional disregard of the law, rules or regulations, such
9 preparer shall pay a penalty of between five hundred and five thousand
10 dollars. The amount of the penalty payable by any person by reason of
11 this paragraph shall be reduced by the amount of the penalty paid by
12 such person by reason of paragraph one of this subsection.

13 (3) For purposes of this subsection, the term "understatement of tax
14 liability" means any understatement of the net amount payable with
15 respect to any tax imposed under this article or any overstatement of
16 the net amount creditable or refundable with respect to any such tax.

17 (4) For purposes of this subsection, the term "tax return prepared"
18 shall have the same meaning as defined in paragraph five of subsection
19 (g) of section six hundred fifty-eight of this article.

20 (5) This subsection shall not apply if the penalty under subsection
21 (r) of this section is imposed on the tax return preparer with respect
22 to such understatement.

23 § 3. Subsection (u) of section 685 of the tax law is amended by adding
24 three new paragraphs (1), (2), and (6) to read as follows:

25 (1) Failure to sign return or claim for refund. If a tax return
26 preparer who is required pursuant to paragraph one of subsection (g) of
27 section six hundred fifty-eight of this article to sign a return or
28 claim for refund fails to comply with such requirement with respect to

1 such return or claim for refund, the tax return preparer shall be
2 subject to a penalty of two hundred fifty dollars for each such failure
3 to sign, unless it is shown that such failure is due to reasonable cause
4 and not due to willful neglect. The maximum penalty imposed under this
5 paragraph on any tax return preparer with respect to returns filed
6 during any calendar year by the tax return preparer must not exceed ten
7 thousand dollars. Provided, however, that if a tax return preparer has
8 been penalized under this paragraph for a preceding calendar year and
9 again fails to sign his or her name on any return that requires the tax
10 return preparer's signature during a subsequent calendar year, then the
11 penalty under this paragraph for each failure will be five hundred
12 dollars, and no annual cap will apply. This paragraph shall not apply if
13 the penalty under paragraph three of subsection (g) of section thirty-
14 two of this chapter is imposed on the tax return preparer with respect
15 to such return or claim for refund.

16 (2) Failure to furnish identifying number. If a tax return preparer
17 fails to include any identifying number required to be included on any
18 return or claim for refund pursuant to paragraph two of subsection (g)
19 of section six hundred fifty-eight of this article, the tax return
20 preparer shall be subject to a penalty of one hundred dollars for each
21 such failure, unless it is shown that such failure is due to reasonable
22 cause and not willful neglect. The maximum penalty imposed under this
23 paragraph on any tax return preparer with respect to returns filed
24 during any calendar year must not exceed two thousand five hundred
25 dollars; provided, however, that if a tax return preparer has been
26 penalized under this paragraph for a preceding calendar year and again
27 fails to include the identifying number on one or more returns during a
28 subsequent calendar year, then the penalty under this paragraph for each

1 failure will be two hundred fifty dollars, and no annual cap will apply.
 2 this paragraph shall not apply if the penalty under paragraph four of
 3 subsection (g) of section thirty-two of this chapter is imposed on the
 4 tax return preparer with respect to such return or claim for refund.

5 (6) For purposes of this subsection, the term "tax return preparer"
 6 shall have the same meaning as defined in paragraph five of subsection
 7 (g) of section six hundred fifty-eight of this article.

8 § 4. This act shall take effect immediately; provided, however, that
 9 the amendments to subsection (u) of section 685 of the tax law made by
 10 section three of this act shall apply to tax documents filed or required
 11 to be filed for taxable years beginning on or after January 1, 2019.

12 PART P

13 Section 1. Clauses (iii), (iv), (v), (vi) and (vii) of subparagraph
 14 (B) of paragraph 1 of subsection (a) of section 601 of the tax law, as
 15 added by section 1 of part R of chapter 59 of the laws of 2017, are
 16 amended to read as follows:

17 (iii) For taxable years beginning in two thousand twenty the following
 18 rates shall apply:

19 If the New York taxable income is:	The tax is:
20 Not over \$17,150	4% of the New York taxable income
21 Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
22	\$17,150
23 Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
24	\$23,600
25 Over \$27,900 but not over \$43,000	\$1,202 plus 5.9% of excess over

1		\$27,900
2	Over \$43,000 but not over \$161,550	\$2,093 plus 6.09% of excess over
3		\$43,000
4	Over \$161,550 but not over \$323,200	\$9,313 plus 6.41% of excess over
5		\$161,550
6	Over \$323,200 <u>but not over</u>	\$19,674 plus 6.85% of excess
7	<u>\$2,155,350</u>	\$323,200 over
8	<u>Over \$2,155,350</u>	<u>\$145,177 plus 8.82% of excess over</u>
9		<u>\$2,155,350</u>
10	(iv) For taxable years beginning in two thousand twenty-one the	
11	following rates shall apply:	
12	If the New York taxable income is:	The tax is:
13	Not over \$17,150	4% of the New York taxable income
14	Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
15		\$17,150
16	Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
17		\$23,600
18	Over \$27,900 but not over \$43,000	\$1,202 plus 5.9% of excess over
19		\$27,900
20	Over \$43,000 but not over \$161,550	\$2,093 plus 5.97% of excess over
21		\$43,000
22	Over \$161,550 but not over \$323,200	\$9,170 plus 6.33% of excess over
23		\$161,550
24	Over \$323,200 <u>but not over</u>	\$19,403 plus 6.85% of excess
25	<u>\$2,155,350</u>	over \$323,200
26	<u>Over \$2,155,350</u>	<u>\$144,905 plus 8.82% of excess over</u>
27		<u>\$2,155,350</u>

1 (v) For taxable years beginning in two thousand twenty-two the follow-
 2 ing rates shall apply:

3 If the New York taxable income is:	The tax is:
4 Not over \$17,150	4% of the New York taxable income
5 Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
6	\$17,150
7 Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
8	\$23,600
9 Over \$27,900 but not over \$161,550	\$1,202 plus 5.85% of excess over
10	\$27,900
11 Over \$161,550 but not over \$323,200	\$9,021 plus 6.25% of excess over
12	\$161,550
13 Over \$323,200 <u>but not over \$2,155,350</u>	\$19,124 plus
14	6.85% of excess over \$323,200
15 <u>Over \$2,155,350</u>	<u>\$144,626 plus 8.82% of excess over</u>
16	<u>\$2,155,350</u>

17 (vi) For taxable years beginning in two thousand twenty-three the
 18 following rates shall apply:

19 If the New York taxable income is:	The tax is:
20 Not over \$17,150	4% of the New York taxable income
21 Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
22	\$17,150
23 Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
24	\$23,600
25 Over \$27,900 but not over \$161,550	\$1,202 plus 5.73% of excess over
26	\$27,900
27 Over \$161,550 but not over \$323,200	\$8,860 plus 6.17% of excess over

1		\$161,550
2	Over \$323,200 <u>but not over</u>	\$18,834 plus 6.85% of
3	<u>\$2,155,350</u>	excess over \$323,200
4	<u>Over \$2,155,350</u>	<u>\$144,336 plus 8.82% of excess over</u>
5		<u>\$2,155,350</u>

6 (vii) For taxable years beginning in two thousand twenty-four the
7 following rates shall apply:

8	If the New York taxable income is:	The tax is:
9	Not over \$17,150	4% of the New York taxable income
10	Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
11		\$17,150
12	Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
13		\$23,600
14	Over \$27,900 but not over \$161,550	\$1,202 plus 5.61% of excess over
15		\$27,900
16	Over \$161,550 but not over \$323,200	\$8,700 plus 6.09% of excess over
17		\$161,550
18	Over \$323,200 <u>but not over</u>	\$18,544 plus 6.85% of
19	<u>Over \$2,155,350</u>	excess over \$323,200
20	<u>Over \$2,155,350</u>	<u>\$144,047 plus 8.82% of excess over</u>
21		<u>\$2,155,350</u>

22 § 2. Clauses (iii), (iv), (v), (vi) and (vii) of subparagraph (B) of
23 paragraph 1 of subsection (b) of section 601 of the tax law, as added by
24 section 2 of part R of chapter 59 of the laws of 2017, are amended to
25 read as follows:

26 (iii) For taxable years beginning in two thousand twenty the following
27 rates shall apply:

1	If the New York taxable income is:	The tax is:
2	Not over \$12,800	4% of the New York taxable income
3	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over \$12,800
4	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
5		\$17,650
6	Over \$20,900 but not over \$32,200	\$901 plus 5.9% of excess over \$20,900
7	Over \$32,200 but not over \$107,650	\$1,568 plus 6.09% of excess over
8		\$32,200
9	Over \$107,650 but not over \$269,300	\$6,162 plus 6.41% of excess over
10		\$107,650
11	Over \$269,300 <u>but not over</u>	\$16,524 plus 6.85% of
12	<u>\$1,616,450</u>	excess over \$269,300
13	<u>Over \$1,616,450</u>	<u>\$108,804 plus 8.82% of excess over</u>
14		<u>\$1,616,450</u>

15 (iv) For taxable years beginning in two thousand twenty-one the
 16 following rates shall apply:

17	If the New York taxable income is:	The tax is:
18	Not over \$12,800	4% of the New York taxable income
19	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
20		\$12,800
21	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
22		\$17,650
23	Over \$20,900 but not over \$32,200	\$901 plus 5.9% of excess over
24		\$20,900
25	Over \$32,200 but not over \$107,650	\$1,568 plus 5.97% of excess over
26		\$32,200
27	Over \$107,650 but not over \$269,300	\$6,072 plus 6.33% of excess over

1		\$107,650
2	Over \$269,300 <u>but not over</u>	\$16,304 plus 6.85% of
3	<u>\$1,616,450</u>	excess over \$269,300
4	<u>Over \$1,616,450</u>	<u>\$108,584 plus 8.82% of excess over</u>
5		<u>\$1,616,450</u>

6 (v) For taxable years beginning in two thousand twenty-two the follow-
7 ing rates shall apply:

8	If the New York taxable income is:	The tax is:
9	Not over \$12,800	4% of the New York taxable income
10	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
11		\$12,800
12	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
13		\$17,650
14	Over \$20,900 but not over \$107,650	\$901 plus 5.85% of excess over
15		\$20,900
16	Over \$107,650 but not over \$269,300	\$5,976 plus 6.25% of excess over
17		\$107,650
18	Over \$269,300 <u>but not over</u>	\$16,079 plus 6.85% of excess
19	<u>\$1,616,450</u>	over \$269,300
20	<u>Over \$1,616,450</u>	<u>\$108,359 plus 8.82% of excess over</u>
21		<u>\$1,616,450</u>

22 (vi) For taxable years beginning in two thousand twenty-three the
23 following rates shall apply:

24	If the New York taxable income is:	The tax is:
25	Not over \$12,800	4% of the New York taxable income
26	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
27		\$12,800
28	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over

1		\$17,650
2	Over \$20,900 but not over \$107,650	\$901 plus 5.73% of excess over
3		\$20,900
4	Over \$107,650 but not over \$269,300	\$5,872 plus 6.17% of excess over
5		\$107,650
6	Over \$269,300 <u>but not over</u>	\$15,845 plus 6.85% of excess
7	<u>\$1,616,450</u>	over \$269,300
8	<u>Over \$1,616,450</u>	<u>\$108,125 plus 8.82% of excess over</u>
9		<u>\$1,616,450</u>

10 (vii) For taxable years beginning in two thousand twenty-four the
 11 following rates shall apply:

12	If the New York taxable income is:	The tax is:
13	Not over \$12,800	4% of the New York taxable income
14	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
15		\$12,800
16	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
17		\$17,650
18	Over \$20,900 but not over \$107,650	\$901 plus 5.61% of excess over
19		\$20,900
20	Over \$107,650 but not over \$269,300	\$5,768 plus 6.09% of excess over
21		\$107,650
22	Over \$269,300 <u>but not over</u>	\$15,612 plus 6.85% of excess
23	<u>\$1,616,450</u>	over \$269,300
24	<u>Over \$1,616,450</u>	<u>\$107,892 plus 8.82% of excess over</u>
25		<u>\$1,616,450</u>

26 § 3. Clauses (iii), (iv), (v), (vi) and (vii) of subparagraph (B) of
 27 paragraph 1 of subsection (c) of section 601 of the tax law, as added by

1 section 3 of part R of chapter 59 of the laws of 2017, is amended to
2 read as follows:

3 (iii) For taxable years beginning in two thousand twenty the following
4 rates shall apply:

5 If the New York taxable income is:	The tax is:
6 Not over \$8,500	4% of the New York taxable income
7 Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
8	\$8,500
9 Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
10	\$11,700
11 Over \$13,900 but not over \$21,400	\$600 plus 5.9% of excess over
12	\$13,900
13 Over \$21,400 but not over \$80,650	\$1,042 plus 6.09% of excess over
14	\$21,400
15 Over \$80,650 but not over \$215,400	\$4,650 plus 6.41% of excess over
16	\$80,650
17 Over \$215,400 <u>but not over</u>	\$13,288 plus 6.85% of excess
18 <u>\$1,077,550</u>	over \$215,400
19 <u>Over \$1,077,550</u>	<u>\$72,345 plus 8.82% of excess over</u>
20	<u>\$1,077,550</u>

21 (iv) For taxable years beginning in two thousand twenty-one the
22 following rates shall apply:

23 If the New York taxable income is:	The tax is:
24 Not over \$8,500	4% of the New York taxable income
25 Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
26	\$8,500
27 Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over

1		\$11,700
2	Over \$13,900 but not over \$21,400	\$600 plus 5.9% of excess over
3		\$13,900
4	Over \$21,400 but not over \$80,650	\$1,042 plus 5.97% of excess over
5		\$21,400
6	Over \$80,650 but not over \$215,400	\$4,579 plus 6.33% of excess over
7		\$80,650
8	Over \$215,400 <u>but not over</u>	\$13,109 plus 6.85% of excess
9	<u>\$1,077,550</u>	over \$215,400
10	<u>Over \$1,077,550</u>	<u>\$72,166 plus 8.82% of excess over</u>
11		<u>\$1,077,550</u>
12	(v) For taxable years beginning in two thousand twenty-two the follow-	
13	ing rates shall apply:	
14	If the New York taxable income is:	The tax is:
15	Not over \$8,500	4% of the New York taxable income
16	Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
17		\$8,500
18	Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
19		\$11,700
20	Over \$13,900 but not over \$80,650	\$600 plus 5.85% of excess over
21		\$13,900
22	Over \$80,650 but not over \$215,400	\$4,504 plus 6.25% of excess over
23		\$80,650
24	Over \$215,400 <u>but not over</u>	\$12,926 plus 6.85% of excess
25	<u>\$1,077,550</u>	over \$215,400
26	<u>Over \$1,077,550</u>	<u>\$71,984 plus 8.82% of excess over</u>
27		<u>\$1,077,550</u>

1 (vi) For taxable years beginning in two thousand twenty-three the
2 following rates shall apply:

3 If the New York taxable income is:	The tax is:
4 Not over \$8,500	4% of the New York taxable income
5 Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
6	\$8,500
7 Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
8	\$11,700
9 Over \$13,900 but not over \$80,650	\$600 plus 5.73% of excess over
10	\$13,900
11 Over \$80,650 but not over \$215,400	\$4,424 plus 6.17% of excess over
12	\$80,650
13 Over \$215,400 <u>but not over</u>	\$12,738 plus 6.85% of excess
14 <u>\$1,077,550</u>	over \$215,400
15 <u>Over \$1,077,550</u>	<u>\$71,796 plus 8.82% of excess over</u>
16	<u>\$1,077,550</u>

17 (vii) For taxable years beginning in two thousand twenty-four the
18 following rates shall apply:

19 If the New York taxable income is:	The tax is:
20 Not over \$8,500	4% of the New York taxable income
21 Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
22	\$8,500
23 Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
24	\$11,700
25 Over \$13,900 but not over \$80,650	\$600 plus 5.61% of excess over
26	\$13,900
27 Over \$80,650 but not over \$215,400	\$4,344 plus 6.09% of excess over

1		\$80,650
2	Over \$215,400 <u>but not over</u>	\$12,550 plus 6.85% of excess
3	<u>\$1,077,550</u>	over \$215,400
4	<u>Over \$1,077,550</u>	<u>\$71,608 plus 8.82% of excess over</u>
5		<u>\$1,077,550</u>

6 § 4. Subparagraph (D) of paragraph 1 of subsection (d-1) of section
7 601 of the tax law, as amended by section 4 of part R of chapter 59 of
8 the laws of 2017, is amended to read as follows:

9 (D) The tax table benefit is the difference between (i) the amount of
10 taxable income set forth in the tax table in paragraph one of subsection
11 (a) of this section not subject to the 8.82 percent rate of tax for the
12 taxable year multiplied by such rate and (ii) the dollar denominated tax
13 for such amount of taxable income set forth in the tax table applicable
14 to the taxable year in paragraph one of subsection (a) of this section
15 less the sum of the tax table benefits in subparagraphs (A), (B) and (C)
16 of this paragraph. The fraction for this subparagraph is computed as
17 follows: the numerator is the lesser of fifty thousand dollars or the
18 excess of New York adjusted gross income for the taxable year over two
19 million dollars and the denominator is fifty thousand dollars. This
20 subparagraph shall apply only to taxable years beginning on or after
21 January first, two thousand twelve and before January first, two thou-
22 sand [twenty] twenty-five.

23 § 5. Subparagraph (C) of paragraph 2 of subsection (d-1) of section
24 601 of the tax law, as amended by section 5 of part R of chapter 59 of
25 the laws of 2017, is amended to read as follows:

26 (C) The tax table benefit is the difference between (i) the amount of
27 taxable income set forth in the tax table in paragraph one of subsection
28 (b) of this section not subject to the 8.82 percent rate of tax for the

1 taxable year multiplied by such rate and (ii) the dollar denominated tax
2 for such amount of taxable income set forth in the tax table applicable
3 to the taxable year in paragraph one of subsection (b) of this section
4 less the sum of the tax table benefits in subparagraphs (A) and (B) of
5 this paragraph. The fraction for this subparagraph is computed as
6 follows: the numerator is the lesser of fifty thousand dollars or the
7 excess of New York adjusted gross income for the taxable year over one
8 million five hundred thousand dollars and the denominator is fifty thou-
9 sand dollars. This subparagraph shall apply only to taxable years begin-
10 ning on or after January first, two thousand twelve and before January
11 first, two thousand [twenty] twenty-five.

12 § 6. Subparagraph (C) of paragraph 3 of subsection (d-1) of section
13 601 of the tax law, as amended by section 6 of part R of chapter 59 of
14 the laws of 2017, is amended to read as follows:

15 (C) The tax table benefit is the difference between (i) the amount of
16 taxable income set forth in the tax table in paragraph one of subsection
17 (c) of this section not subject to the 8.82 percent rate of tax for the
18 taxable year multiplied by such rate and (ii) the dollar denominated tax
19 for such amount of taxable income set forth in the tax table applicable
20 to the taxable year in paragraph one of subsection (c) of this section
21 less the sum of the tax table benefits in subparagraphs (A) and (B) of
22 this paragraph. The fraction for this subparagraph is computed as
23 follows: the numerator is the lesser of fifty thousand dollars or the
24 excess of New York adjusted gross income for the taxable year over one
25 million dollars and the denominator is fifty thousand dollars. This
26 subparagraph shall apply only to taxable years beginning on or after
27 January first, two thousand twelve and before January first, two thou-
28 sand [twenty] twenty-five.

1 § 7. This act shall take effect immediately.

2 PART Q

3 Section 1. Subsection (g) of section 615 of the tax law, as amended by
4 section 1 of part S of chapter 59 of the laws of 2017, is amended to
5 read as follows:

6 (g) Notwithstanding subsection (a) of this section, the New York item-
7 ized deduction for charitable contributions shall be the amount allowed
8 under section one hundred seventy of the internal revenue code, as modi-
9 fied by paragraph nine of subsection (c) of this section and as limited
10 by this subsection. (1) With respect to an individual whose New York
11 adjusted gross income is over one million dollars and no more than ten
12 million dollars, the New York itemized deduction shall be an amount
13 equal to fifty percent of any charitable contribution deduction allowed
14 under section one hundred seventy of the internal revenue code for taxa-
15 ble years beginning after two thousand nine and before two thousand
16 [twenty] twenty-five. With respect to an individual whose New York
17 adjusted gross income is over one million dollars, the New York itemized
18 deduction shall be an amount equal to fifty percent of any charitable
19 contribution deduction allowed under section one hundred seventy of the
20 internal revenue code for taxable years beginning in two thousand nine
21 or after two thousand [nineteen] twenty-four.

22 (2) With respect to an individual whose New York adjusted gross income
23 is over ten million dollars, the New York itemized deduction shall be an
24 amount equal to twenty-five percent of any charitable contribution
25 deduction allowed under section one hundred seventy of the internal

1 revenue code for taxable years beginning after two thousand nine and
2 ending before two thousand [twenty] twenty-five.

3 § 2. Subdivision (g) of section 11-1715 of the administrative code of
4 the city of New York, as amended by section 2 of part S of chapter 59 of
5 the laws of 2017, is amended to read as follows:

6 (g) Notwithstanding subdivision (a) of this section, the city itemized
7 deduction for charitable contributions shall be the amount allowed under
8 section one hundred seventy of the internal revenue code, as limited by
9 this subdivision. (1) With respect to an individual whose New York
10 adjusted gross income is over one million dollars but no more than ten
11 million dollars, the New York itemized deduction shall be an amount
12 equal to fifty percent of any charitable contribution deduction allowed
13 under section one hundred seventy of the internal revenue code for taxa-
14 ble years beginning after two thousand nine and before two thousand
15 [twenty] twenty-five. With respect to an individual whose New York
16 adjusted gross income is over one million dollars, the New York itemized
17 deduction shall be an amount equal to fifty percent of any charitable
18 contribution deduction allowed under section one hundred seventy of the
19 internal revenue code for taxable years beginning in two thousand nine
20 or after two thousand [nineteen] twenty-four.

21 (2) With respect to an individual whose New York adjusted gross income
22 is over ten million dollars, the New York itemized deduction shall be an
23 amount equal to twenty-five percent of any charitable contribution
24 deduction allowed under section one hundred seventy of the internal
25 revenue code for taxable years beginning after two thousand nine and
26 ending before two thousand [twenty] twenty-five.

27 § 3. This act shall take effect immediately and shall apply to taxable
28 years beginning on or after January 1, 2018.

1

PART R

2 Section 1. Paragraph (a) of subdivision 25 of section 210-B of the tax
3 law, as amended by chapter 315 of the laws of 2017, is amended to read
4 as follows:

5 (a) General. A taxpayer shall be allowed a credit against the tax
6 imposed by this article. Such credit, to be computed as hereinafter
7 provided, shall be allowed for bioheating fuel, used for space heating
8 or hot water production for residential purposes within this state
9 purchased before January first, two thousand [twenty] twenty-three. Such
10 credit shall be \$0.01 per percent of biodiesel per gallon of bioheating
11 fuel, not to exceed twenty cents per gallon, purchased by such taxpayer.
12 Provided, however, that on or after January first, two thousand seven-
13 teen, this credit shall not apply to bioheating fuel that is less than
14 six percent biodiesel per gallon of bioheating fuel.

15 § 2. Paragraph 1 of subdivision (mm) of section 606 of the tax law, as
16 amended by chapter 315 of the laws of 2017, is amended to read as
17 follows:

18 (1) A taxpayer shall be allowed a credit against the tax imposed by
19 this article. Such credit, to be computed as hereinafter provided, shall
20 be allowed for bioheating fuel, used for space heating or hot water
21 production for residential purposes within this state and purchased on
22 or after July first, two thousand six and before July first, two thou-
23 sand seven and on or after January first, two thousand eight and before
24 January first, two thousand [twenty] twenty-three. Such credit shall be
25 \$0.01 per percent of biodiesel per gallon of bioheating fuel, not to
26 exceed twenty cents per gallon, purchased by such taxpayer. Provided,
27 however, that on or after January first, two thousand seventeen, this

1 credit shall not apply to bioheating fuel that is less than six percent
2 biodiesel per gallon of bioheating fuel.

3 § 3. This act shall take effect immediately.

4 PART S

5 Section 1. Subdivision (e) of section 23 of the part U of chapter 61
6 of the laws of 2011, amending the real property tax law and other laws
7 relating to establishing standards for electronic tax administration is
8 REPEALED.

9 § 2. This act shall take effect immediately.

10 PART T

11 Section 1. Subdivision 3 of section 77 of the cooperative corporations
12 law, as amended by chapter 429 of the laws of 1992, is amended to read
13 as follows:

14 3. Such annual fee shall be paid for each calendar year on the
15 fifteenth day of March next succeeding the close of such calendar year
16 but shall not be payable after January first, two thousand twenty;
17 provided, however, that cooperative corporations described in subdivi-
18 sion one of this section shall continue to not be subject to the fran-
19 chise, license, and corporation taxes referenced in such subdivision.

20 § 2. Section 66 of the rural electric cooperative law, as amended by
21 chapter 888 of the laws of 1983, is amended to read as follows:

22 § 66. License fee in lieu of all franchise, excise, income, corpo-
23 ration and sales and compensating use taxes. Each cooperative and
24 foreign corporation doing business in this state pursuant to this chap-

1 ter shall pay annually, on or before the first day of July, to the state
2 tax commission, a fee of ten dollars, but shall be exempt from all other
3 franchise, excise, income, corporation and sales and compensating use
4 taxes whatsoever. The exemption from the sales and compensating use
5 taxes provided by this section shall not apply to the taxes imposed
6 pursuant to section eleven hundred seven or eleven hundred eight of the
7 tax law. Nothing contained in this section shall be deemed to exempt
8 such corporations from collecting and paying over sales and compensating
9 use taxes on retail sales of tangible personal property and services
10 made by such corporations to purchasers required to pay such taxes
11 imposed pursuant to article twenty-eight or authorized pursuant to the
12 authority of article twenty-nine of the tax law. Such annual fee shall
13 not be payable after January first, two thousand twenty.

14 § 3. This act shall take effect immediately.

15 PART U

16 Section 1. Paragraph (e) of subdivision 26 of section 210-B of the tax
17 law, as amended by section 2 of part RR of chapter 59 of the laws of
18 2018, is amended to read as follows:

19 (e) [To] Except in the case of a qualified rehabilitation project
20 undertaken within a state park, state historic site, or other land owned
21 by the state, that is under the jurisdiction of the office of parks,
22 recreation and historic preservation, to be eligible for the credit
23 allowable under this subdivision, the rehabilitation project shall be in
24 whole or in part located within a census tract which is identified as
25 being at or below one hundred percent of the state median family income
26 as calculated as of April first of each year using the most recent five

1 year estimate from the American community survey published by the United
2 States Census bureau. If there is a change in the most recent five year
3 estimate, a census tract that qualified for eligibility under this
4 program before information about the change was released will remain
5 eligible for a credit under this subdivision for an additional two
6 calendar years.

7 § 2. Paragraph 5 of subsection (oo) of section 606 of the tax law, as
8 amended by section 1 of part RR of chapter 59 of the laws of 2018, is
9 amended to read as follows:

10 (5) [To] Except in the case of a qualified rehabilitation project
11 undertaken within a state park, state historic site, or other land owned
12 by the state, that is under the jurisdiction of the office of parks,
13 recreation and historic preservation, to be eligible for the credit
14 allowable under this subsection the rehabilitation project shall be in
15 whole or in part located within a census tract which is identified as
16 being at or below one hundred percent of the state median family income
17 as calculated as of April first of each year using the most recent five
18 year estimate from the American community survey published by the United
19 States Census bureau. If there is a change in the most recent five year
20 estimate, a census tract that qualified for eligibility under this
21 program before information about the change was released will remain
22 eligible for a credit under this subsection for an additional two calen-
23 dar years.

24 § 3. Paragraph 5 of subdivision (y) of section 1511 of the tax law, as
25 amended by section 3 of part RR of chapter 59 of the laws of 2018, is
26 amended to read as follows:

27 (5) [To] Except in the case of a qualified rehabilitation project
28 undertaken within a state park, state historic site, or other land owned

1 by the state, that is under the jurisdiction of the office of parks,
2 recreation and historic preservation, to be eligible for the credit
3 allowable under this subdivision, the rehabilitation project shall be in
4 whole or in part located within a census tract which is identified as
5 being at or below one hundred percent of the state median family income
6 as calculated as of April first of each year using the most recent five
7 year estimate from the American community survey published by the United
8 States Census bureau. If there is a change in the most recent five year
9 estimate, a census tract that qualified for eligibility under this
10 program before information about the change was released will remain
11 eligible for a credit under this subdivision for an additional two
12 calendar years.

13 § 4. This act shall take effect immediately and apply to taxable years
14 beginning on and after January 1, 2020.

15 PART V

16 Section 1. Subdivision (jj) of section 1115 of the tax law, as added
17 by section 1 of part UU of chapter 59 of the laws of 2015, is amended to
18 read as follows:

19 (jj) Tangible personal property or services otherwise taxable under
20 this article sold to a related person shall not be subject to the taxes
21 imposed by section eleven hundred five of this article or the compensat-
22 ing use tax imposed under section eleven hundred ten of this article
23 where the purchaser can show that the following conditions have been met
24 to the extent they are applicable: (1)(i) the vendor and the purchaser
25 are referenced as either a "covered company" as described in section
26 243.2(f) or a "material entity" as described in section 243.2(1) of the

1 Code of Federal Regulations in a resolution plan that has been submitted
2 to an agency of the United States for the purpose of satisfying subpara-
3 graph 1 of paragraph (d) of section one hundred sixty-five of the Dodd-
4 Frank Wall Street Reform and Consumer Protection Act (the "Act") or any
5 successor law, or (ii) the vendor and the purchaser are separate legal
6 entities pursuant to a divestiture directed pursuant to subparagraph 5
7 of paragraph (d) of section one hundred sixty-five of such act or any
8 successor law; (2) the sale would not have occurred between such related
9 entities were it not for such resolution plan or divestiture; and (3) in
10 acquiring such property or services, the vendor did not claim an
11 exemption from the tax imposed by this state or another state based on
12 the vendor's intent to resell such services or property. A person is
13 related to another person for purposes of this subdivision if the person
14 bears a relationship to such person described in section two hundred
15 sixty-seven of the internal revenue code. The exemption provided by this
16 subdivision shall not apply to sales made, services rendered, or uses
17 occurring after June thirtieth, two thousand [nineteen] twenty-one,
18 except with respect to sales made, services rendered, or uses occurring
19 pursuant to binding contracts entered into on or before such date; but
20 in no case shall such exemption apply after June thirtieth, two thousand
21 twenty-four.

22 § 2. This act shall take effect immediately.

23 PART W

24 Section 1. The mental hygiene law is amended by adding a new section
25 32.38 to read as follows:

26 § 32.38 Power to administer the recovery tax credit program.

1 (a) Authorization. The commissioner is authorized to establish and
2 administer the recovery tax credit program to provide tax incentives to
3 certified employers for employing eligible individuals in recovery from
4 a substance use disorder in part-time and full-time positions in the
5 state. The commissioner is authorized to allocate up to two million
6 dollars of tax credits annually for the recovery tax credit program
7 beginning in the year two thousand twenty.

8 (b) Definitions. 1. The term "certified employer" means an employer
9 that has received a certificate of tax credit from the commissioner
10 after the commissioner has determined that the employer:

11 (i) provides a recovery supportive environment evidenced by a formal
12 working relationship with a local recovery community organization to
13 provide support for employers including any necessary assistance in the
14 hiring process of eligible individuals in recovery from a substance use
15 disorder and training for employers or supervisors; and

16 (ii) fulfills the eligibility criteria set forth in this section and
17 by the commissioner to participate in the recovery tax credit program
18 established in this section.

19 2. The term "eligible individual" means an individual with a substance
20 use disorder as that term is defined in section 1.03 of this chapter who
21 is in a state of wellness where there is an abatement of signs and symp-
22 toms that characterize active addiction and has demonstrated to the
23 qualified employer's satisfaction that he or she has completed a course
24 of treatment for such substance use disorder.

25 (c) Application and approval process. 1. To participate in the program
26 established by this section, an employer must, in a form prescribed by
27 the commissioner, apply annually to the office by January fifteenth to

1 claim credit based on eligible individuals employed during the preceding
2 calendar year. As part of such application, an employer must:

3 (i) Agree to allow the department of taxation and finance to share its
4 tax information with the office of alcoholism and substance abuse
5 services. However, any information shared because of this agreement
6 shall not be available for disclosure or inspection under the state
7 freedom of information law.

8 (ii) Allow the office of alcoholism and substance abuse services and
9 its agents access to all books and records the department may require to
10 monitor compliance with program eligibility requirements.

11 (iii) Demonstrate that the employer has satisfied program eligibility
12 requirements and provided all the information necessary, including the
13 number of hours worked by any eligible individual, for the commissioner
14 to compute an actual amount of credit allowed.

15 2. (i) After reviewing the application and finding it sufficient, the
16 commissioner shall issue a certificate of tax credit by March thirty-
17 first. Such certificate shall include, but not be limited to, the name
18 and employer identification number of the certified employer, the amount
19 of credit that the certified employer may claim, and any other informa-
20 tion the commissioner of taxation and finance determines is necessary.

21 (ii) In determining the amount of credit that any employer may claim,
22 the commissioner shall review all claims submitted for credit by employ-
23 ers and, to the extent that the total amount claimed by employers
24 exceeds the amount allocated for the program in that calendar year,
25 shall issue credits on a pro-rata basis corresponding to each claimant's
26 share of the total claimed amount.

27 (d) Eligibility. A certified employer shall be entitled to a tax cred-
28 it equal to the product of one dollar and the number of hours worked by

1 each eligible individual during such individual's period of eligibility.
2 The credit shall not be allowed unless the eligible individual has
3 worked in state for a minimum of five hundred hours for the certified
4 employer, and the credit cannot exceed two thousand dollars per eligible
5 individual employed by the certified employer in the state. The period
6 of eligibility for each such employee starts on the day the employee is
7 hired and ends on December thirty-first of the immediately succeeding
8 calendar year or the last day of the employee's employment by the certi-
9 fied employer, whichever comes first. If an employee has worked in
10 excess of five hundred hours between the date of hiring and December
11 thirty-first of that year, an employer can elect to compute and claim a
12 credit for such employee in that year based on the hours worked by
13 December thirty-first. Alternatively, the employer may elect to include
14 such individual in the computation of the credit in the year immediately
15 succeeding the year in which the employee was hired. In such case, the
16 credit shall be computed on the basis of all hours worked by such eligi-
17 ble individual from the date of hire to the earlier of the last day of
18 employment or December thirty-first of the succeeding year. However, in
19 no event may an employee generate credit for hours worked in excess of
20 two thousand hours. An employer may claim credit only once with respect
21 to any eligible individual and may not aggregate hours of two or more
22 employees to reach the minimum number of hours.

23 (e) Duties of the commissioner. The commissioner shall annually
24 provide to the commissioner of the department of taxation and finance
25 information about the program including, but not limited to, the number
26 of certified employers then participating in the program, unique identi-
27 fying information for each certified employer, the number of eligible
28 individuals employed by each certified employer, unique identifying

1 information for each eligible individual employed by the certified
2 employers, the number of hours worked by such eligible individuals, the
3 total dollar amount of claims for credit, and the dollar amount of cred-
4 it granted to each certified employer.

5 (f) Certified employer's taxable year. If the certified employer's
6 taxable year is a calendar year, the employer shall be entitled to claim
7 the credit as shown on the certificate of tax credit on the calendar
8 year return for which the certificate of tax credit was issued. If the
9 certified employer's taxable year is a fiscal year, the employer shall
10 be entitled to claim the credit as shown on the certificate of tax cred-
11 it on the return for the fiscal year that includes the last day of the
12 calendar year covered by the certificate of tax credit.

13 (g) Cross references. For application of the credit provided for in
14 this section, see the following provisions of the tax law:

15 1. Article 9-A: Section 210-B, subdivision 53.

16 2. Article 22: Section 606, subsection (jjj).

17 3. Article 33: Section 1511, subdivision (dd).

18 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
19 sion 53 to read as follows:

20 53. Recovery tax credit. (a) Allowance of credit. A taxpayer that is a
21 certified employer pursuant to section 32.38 of the mental hygiene law
22 that has received a certificate of tax credit from the commissioner of
23 the office of alcoholism and substance abuse services shall be allowed a
24 credit against the tax imposed by this article equal to the amount shown
25 on such certificate of tax credit. A taxpayer that is a partner in a
26 partnership or member of a limited liability company that has been
27 certified by the commissioner of the office of alcoholism and substance
28 abuse services as a qualified employer pursuant to section 32.38 of the

1 mental hygiene law shall be allowed its pro rata share of the credit
 2 earned by the partnership or limited liability company.

3 (b) Application of credit. The credit allowed under this subdivision
 4 for any taxable year may not reduce the tax due for that year to less
 5 than the amount prescribed in paragraph (d) of subdivision one of
 6 section two hundred ten of this article. However, if the amount of the
 7 credit allowed under this subdivision for any taxable year reduces the
 8 tax to that amount or if the taxpayer otherwise pays tax based on the
 9 fixed dollar minimum amount, any amount of credit not deductible in that
 10 taxable year will be treated as an overpayment of tax to be credited or
 11 refunded in accordance with the provisions of section one thousand
 12 eighty-six of this chapter. Provided, however, no interest will be paid
 13 thereon.

14 (c) Tax return requirement. The taxpayer shall be required to attach
 15 to its tax return, in the form prescribed by the commissioner, proof of
 16 receipt of its certificate of tax credit issued by the commissioner of
 17 the office of alcoholism and substance abuse services pursuant to
 18 section 32.38 of the mental hygiene law.

19 § 3. Subparagraph (B) of paragraph 1 of subdivision (i) of section 606
 20 of the tax law is amended by adding a new clause (xliv) to read as
 21 follows:

22 <u>(xliv) Recovery tax credit under</u>	<u>Amount of credit under</u>
23 <u>subsection (jjj)</u>	<u>subdivision fifty-three of</u>
24	<u>section two hundred ten-B</u>

25 § 4. Section 606 of the tax law is amended by adding a new subsection
 26 (jjj) to read as follows:

1 (jjj) Recovery tax credit. (1) Allowance of credit. A taxpayer that is
2 a qualified employer pursuant to section 32.38 of the mental hygiene law
3 that has received a certificate of tax credit from the commissioner of
4 the office of alcoholism and substance abuse services shall be allowed a
5 credit against the tax imposed by this article equal to the amount shown
6 on such certificate of tax credit. A taxpayer that is a partner in a
7 partnership, member of a limited liability company or shareholder in an
8 S corporation that has been certified by the commissioner of the office
9 of alcoholism and substance abuse services as a qualified employer
10 pursuant to section 32.38 of the mental hygiene law shall be allowed its
11 pro rata share of the credit earned by the partnership, limited liabil-
12 ity company or S corporation.

13 (2) Overpayment. If the amount of the credit allowed under this
14 subsection for any taxable year exceeds the taxpayer's tax for the taxa-
15 ble year, the excess shall be treated as an overpayment of tax to be
16 credited or refunded in accordance with the provisions of section six
17 hundred eighty-six of this article, provided, however, no interest will
18 be paid thereon.

19 (3) Tax return requirement. The taxpayer shall be required to attach
20 to its tax return, in the form prescribed by the commissioner, proof of
21 receipt of its certificate of tax credit issued by the commissioner of
22 the office of alcoholism and substance abuse services pursuant to
23 section 32.38 of the mental hygiene law.

24 § 5. Section 1511 of the tax law is amended by adding a new subdivi-
25 sion (dd) to read as follows:

26 (dd) Recovery tax credit. (1) Allowance of credit. A taxpayer that is
27 a qualified employer pursuant to section 32.38 of the mental hygiene law
28 that has received a certificate of tax credit from the commissioner of

1 the office of alcoholism and substance abuse services shall be allowed a
2 credit against the tax imposed by this article equal to the amount shown
3 on such certificate of tax credit. A taxpayer that is a partner in a
4 partnership or member of a limited liability company that has been
5 certified by the commissioner of the office of alcoholism and substance
6 abuse services as a qualified employer pursuant to section 32.38 of the
7 mental hygiene law shall be allowed its pro rata share of the credit
8 earned by the partnership or limited liability company.

9 (2) Application of credit. The credit allowed under this subdivision
10 for any taxable year shall not reduce the tax due for such year to less
11 than the minimum tax fixed by paragraph four of subdivision (a) of
12 section fifteen hundred two of this article or by section fifteen
13 hundred two-a of this article, whichever is applicable. However, if the
14 amount of credit allowed under this subdivision for any taxable year
15 reduces the tax to such amount, then any amount of credit thus not
16 deductible in such taxable year shall be treated as an overpayment of
17 tax to be credited or refunded in accordance with the provisions of
18 section one thousand eighty-six of this chapter. Provided, however, the
19 provisions of subsection (c) of section one thousand eighty-eight of
20 this chapter notwithstanding, no interest shall be paid thereon.

21 (3) Tax return requirement. The taxpayer shall be required to attach
22 to its tax return in the form prescribed by the commissioner, proof of
23 receipt of its certificate of tax credit issued by the commissioner of
24 the office of alcoholism and substance abuse services pursuant to
25 section 32.38 of the mental hygiene law.

26 § 6. This act shall take effect immediately and shall apply to taxable
27 years beginning on and after January 1, 2020 and shall apply to those
28 eligible individuals hired after this act shall take effect.

1

PART X

2 Section 1. Paragraph (a) of subdivision 9 of section 208 of the tax
3 law is amended by adding a new subparagraph 20 to read as follows:

4 (20) Any amount excepted, for purposes of subsection (a) of section
5 one hundred eighteen of the internal revenue code, from the term
6 "contribution to the capital of the taxpayer" by paragraph two of
7 subsection (b) of section one hundred eighteen of the internal revenue
8 code.

9 § 2. Paragraph 1 of subdivision (b) of section 1503 of the tax law is
10 amended by adding a new subparagraph (T) to read as follows:

11 (T) Any amount excepted, for purposes of subsection (a) of section one
12 hundred eighteen of the internal revenue code, from the term "contrib-
13 ution to the capital of the taxpayer" by paragraph two of subsection (b)
14 of section one hundred eighteen of the internal revenue code.

15 § 3. Paragraph (a) of subdivision 8 of section 11-602 of the adminis-
16 trative code of the city of New York is amended by adding a new subpara-
17 graph 14 to read as follows:

18 (14) any amount excepted, for purposes of subsection (a) of section
19 one hundred eighteen of the internal revenue code, from the term
20 "contribution to the capital of the taxpayer" by paragraph two of
21 subsection (b) of section one hundred eighteen of the internal revenue
22 code.

23 § 4. This act shall take effect immediately and shall apply to taxable
24 years beginning on or after January 1, 2018.

25

PART Y

1 Section 1. The tax law is amended by adding a new section 44 to read
2 as follows:

3 § 44. Investment management services. (a) For purposes of this
4 section, the term "investment management services" to a partnership, S
5 corporation or entity includes (1) rendering investment advice regarding
6 the purchase or sale of securities as defined in paragraph two of
7 subsection (c) of section four hundred seventy-five of the internal
8 revenue code without regard to the last sentence thereof, real estate
9 held for rental or investment, interests in partnerships, commodities as
10 defined in paragraph two of subsection (e) of section four hundred
11 seventy-five of the internal revenue code, or options or derivative
12 contracts with respect to any of the foregoing; (2) managing, acquiring,
13 or disposing of any such asset; (3) arranging financing with respect to
14 the acquisition of any such asset; and (4) related activities in support
15 of any service described in paragraphs one, two, or three of this subdi-
16 vision.

17 (b) Special rule for partnerships and S corporations. Notwithstanding
18 any state or federal law to the contrary:

19 (1) where a partner performs investment management services for the
20 partnership, the partner will not be treated as a partner for purposes
21 of this chapter with respect to the amount of the partner's distributive
22 share of income, gain, loss and deduction, including any guaranteed
23 payments, that is in excess of the amount such distributive share would
24 have been if the partner had performed no investment management services
25 for the partnership. Instead, such excess amount shall be treated for
26 purposes of article nine-A of this chapter as a business receipt for
27 services and for purposes of article twenty-two of this chapter as
28 income attributable to a trade, business, profession or occupation.

1 Provided, however, the amount of the distributive share that would have
2 been determined if the partner performed no investment management
3 services shall not be less than zero.

4 (2) where a shareholder performs investment management services for
5 the S corporation, the shareholder will not be treated as a shareholder
6 for purposes of this chapter with respect to the amount of the share-
7 holder's pro rata share of income, gain, loss and deduction that is in
8 excess of the amount such pro rata share would have been if the share-
9 holder had performed no investment management services. Instead, such
10 excess amount shall be treated for purposes of article twenty-two of
11 this chapter as income attributable to a trade, business, profession or
12 occupation. Provided, however, the amount of the pro rata share that
13 would have been determined if the shareholder performed no services
14 shall not be less than zero.

15 (3) A partner or shareholder will not be deemed to be providing
16 investment management services under this section if at least eighty
17 percent of the average fair market value of the assets of the partner-
18 ship or S corporation during the taxable year consist of real estate
19 held for rental or investment.

20 (c) In addition to any other taxes or surcharges imposed pursuant to
21 article nine-A or twenty-two of this chapter, any corporation, partner
22 or shareholder providing investment management services shall be subject
23 to an additional tax, referred to as the "carried interest fairness
24 fee". Such carried interest fairness fee shall be equal to seventeen
25 percent of the excess amount determined pursuant to subdivision (b) of
26 this section; provided, however, (i) in the case of a corporation or
27 shareholder of an S corporation providing such investment management
28 services, such fee shall be equal to seventeen percent of the excess

1 amount apportioned to the state by applying the corporation's or S
2 corporation's apportionment factor determined under section two hundred
3 ten-A of this chapter; (ii) in the case of a nonresident partner provid-
4 ing such investment management services, such fee shall be equal to
5 seventeen percent of the excess amount derived from New York sources as
6 determined under section six hundred thirty-two of this chapter. Such
7 carried interest fairness fee shall be administered in accordance with
8 article nine-A or twenty-two of this chapter, as applicable, until such
9 time as the commissioner of taxation and finance has notified the legis-
10 lative bill drafting commission that federal legislation has been
11 enacted that treats the provision of investment management services for
12 federal tax purposes substantially the same as provided in this section.

13 § 2. Paragraph (a) of subdivision 6 of section 208 of the tax law, as
14 amended by section 5 of part T of chapter 59 of the laws of 2015, is
15 amended to read as follows:

16 (a) (i) The term "investment income" means income, including capital
17 gains in excess of capital losses, from investment capital, to the
18 extent included in computing entire net income, less, (A) in the
19 discretion of the commissioner, any interest deductions allowable in
20 computing entire net income which are directly or indirectly attribut-
21 able to investment capital or investment income, and (B) any net capital
22 gain included in federal taxable income that must be recharacterized as
23 a business receipt pursuant to section forty-four of this chapter;
24 provided, however, that in no case shall investment income exceed entire
25 net income. (ii) If the amount of interest deductions subtracted under
26 subparagraph (i) of this paragraph exceeds investment income, the excess
27 of such amount over investment income must be added back to entire net
28 income. (iii) If the taxpayer's investment income determined without

1 regard to the interest deductions subtracted under subparagraph (i) of
2 this paragraph comprises more than eight percent of the taxpayer's
3 entire net income, investment income determined without regard to such
4 interest deductions cannot exceed eight percent of the taxpayer's entire
5 net income.

6 § 3. Subsection (b) of section 617 of the tax law, as amended by chap-
7 ter 606 of the laws of 1984, is amended to read as follows:

8 (b) Character of items. [Each] Except as provided in section forty-
9 four of this chapter, each item of partnership and S corporation income,
10 gain, loss, or deduction shall have the same character for a partner or
11 shareholder under this article as for federal income tax purposes. Where
12 an item is not characterized for federal income tax purposes, it shall
13 have the same character for a partner or shareholder as if realized
14 directly from the source from which realized by the partnership or S
15 corporation or incurred in the same manner as incurred by the partner-
16 ship or S corporation.

17 § 4. Subsection (d) of section 631 of the tax law, as amended by chap-
18 ter 28 of the laws of 1987, is amended to read as follows:

19 (d) Purchase and sale for own account.-- A nonresident, other than a
20 dealer holding property primarily for sale to customers in the ordinary
21 course of his or her trade or business or a partner or shareholder
22 performing investment management services as described in section
23 forty-four of this chapter, shall not be deemed to carry on a business,
24 trade, profession or occupation in this state solely by reason of the
25 purchase and sale of property or the purchase, sale or writing of stock
26 option contracts, or both, for his own account.

1 § 5. The opening paragraph of subsection (b) of section 632 of the tax
2 law, as amended by chapter 28 of the laws of 1987, is amended to read as
3 follows:

4 [In] Except as otherwise provided in section forty-four of this chap-
5 ter, in determining the sources of a nonresident partner's income, no
6 effect shall be given to a provision in the partnership agreement
7 which--

8 § 6. For taxable years beginning on or after January 1, 2019 and
9 before January 1, 2020, (i) no addition to tax under subsection (c) of
10 section 685 or subsection (c) of section 1085 of the tax law shall be
11 imposed with respect to any underpayment attributable to the amendments
12 made by this act of any estimated taxes that are required to be paid
13 prior to the effective date of this act, provided that the taxpayer
14 timely made those payments; and (ii) the required installment of esti-
15 mated tax described in clause (ii) of subparagraph (B) of paragraph 3 of
16 subsection (c) of section 685 of the tax law, and the exception to addi-
17 tion for underpayment of estimated tax described in paragraph 1 or 2 of
18 subsection (d) of section 1085 of the tax law, in relation to the
19 preceding year's return, shall be calculated as if the amendments made
20 by this act had been in effect for that entire preceding year.

21 § 7. This act shall take effect upon the enactment into law by the
22 states of Connecticut, New Jersey, Massachusetts and Pennsylvania of
23 legislation having substantially the same effect as this act and the
24 enactments by such states have taken effect in each state and shall
25 apply for taxable years beginning on or after such date; provided,
26 however, if the states of Connecticut, New Jersey, Massachusetts and
27 Pennsylvania have already enacted such legislation, this act shall take
28 effect immediately and shall apply for taxable years beginning on or

1 after January 1, 2019; provided further that the commissioner of taxa-
2 tion and finance shall notify the legislative bill drafting commission
3 upon the enactment of such legislation by the states of Connecticut, New
4 Jersey, Massachusetts and Pennsylvania in order that such commission may
5 maintain an accurate and timely effective data base of the official text
6 of the laws of the state of New York in furtherance of effectuating the
7 provisions of section 44 of the legislative law and section 70-b of the
8 public officers law.

9

PART Z

10 Section 1. Paragraph 3 of subdivision (a) and paragraphs 2 and 5 of
11 subdivision (c) of section 43 of the tax law, as added by section 7 of
12 part K of chapter 59 of the laws of 2017, are amended to read as
13 follows:

14 (3) The total amount of credit allowable to a qualified life sciences
15 company, or, if the life sciences company is properly included or
16 required to be included in a combined report, to the combined group,
17 taken in the aggregate, shall not exceed five hundred thousand dollars
18 in any taxable year. If the [life sciences company] taxpayer is a part-
19 ner in a partnership that is a life sciences company or a shareholder of
20 a New York S corporation that is a life sciences company, then the total
21 amount of credit allowable shall be applied at the entity level, so that
22 the total amount of credit allowable to all the partners or shareholders
23 of each such entity, taken in the aggregate, does not exceed five
24 hundred thousand dollars in any taxable year.

25 (2) "New business" means any business that qualifies as a new business
26 under either paragraph (f) of subdivision one of section two hundred

1 ten-B or paragraph ten of subsection [one] (a) of section six hundred
2 six of this chapter.

3 (5) "Related person" means a related person as defined in subparagraph
4 [(c)] (C) of paragraph three of subsection (b) of section 465 of the
5 internal revenue code. For this purpose, a "related person" shall
6 include an entity that would have qualified as a "related person" if it
7 had not been dissolved, liquidated, merged with another entity or other-
8 wise ceased to exist or operate.

9 § 2. Subdivision 5 of section 209 of the tax law, as amended by
10 section 5 of part A of chapter 59 of the laws of 2014, is amended to
11 read as follows:

12 5. For any taxable year of a real estate investment trust as defined
13 in section eight hundred fifty-six of the internal revenue code in which
14 such trust is subject to federal income taxation under section eight
15 hundred fifty-seven of such code, such trust shall be subject to a tax
16 computed under either paragraph (a) or (d) of subdivision one of section
17 two hundred ten of this chapter, whichever is greater, and shall not be
18 subject to any tax under article thirty-three of this chapter except for
19 a captive REIT required to file a combined return under subdivision (f)
20 of section fifteen hundred fifteen of this chapter. In the case of such
21 a real estate investment trust, including a captive REIT as defined in
22 section two of this chapter, the term "entire net income" means "real
23 estate investment trust taxable income" as defined in paragraph two of
24 subdivision (b) of section eight hundred fifty-seven (as modified by
25 section eight hundred fifty-eight) of the internal revenue code [plus
26 the amount taxable under paragraph three of subdivision (b) of section
27 eight hundred fifty-seven of such code], subject to the modifications

1 required by subdivision nine of section two hundred eight of this arti-
2 cle.

3 § 3. Paragraph (a) of subdivision 8 of section 211 of the tax law, as
4 amended by chapter 760 of the laws of 1992, is amended to read as
5 follows:

6 (a) Except in accordance with proper judicial order or as otherwise
7 provided by law, it shall be unlawful for any tax commissioner, any
8 officer or employee of the department [of taxation and finance], or any
9 person who, pursuant to this section, is permitted to inspect any
10 report, or to whom any information contained in any report is furnished,
11 or any person engaged or retained by such department on an independent
12 contract basis, or any person who in any manner may acquire knowledge of
13 the contents of a report filed pursuant to this article, to divulge or
14 make known in any manner the amount of income or any particulars set
15 forth or disclosed in any report under this article. The officers
16 charged with the custody of such reports shall not be required to
17 produce any of them or evidence of anything contained in them in any
18 action or proceeding in any court, except on behalf of the state or the
19 commissioner in an action or proceeding under the provisions of this
20 chapter or in any other action or proceeding involving the collection of
21 a tax due under this chapter to which the state or the commissioner is a
22 party or a claimant, or on behalf of any party to any action or proceed-
23 ing under the provisions of this article when the reports or facts shown
24 thereby are directly involved in such action or proceeding, in any of
25 which events the court may require the production of, and may admit in
26 evidence, so much of said reports or of the facts shown thereby as are
27 pertinent to the action or proceeding, and no more. The commissioner
28 may, nevertheless, publish a copy or a summary of any determination or

1 decision rendered after the formal hearing provided for in section one
2 thousand eighty-nine of this chapter. Nothing herein shall be construed
3 to prohibit the delivery to a corporation or its duly authorized repre-
4 sentative of a copy of any report filed by it, nor to prohibit the
5 publication of statistics so classified as to prevent the identification
6 of particular reports and the items thereof; or the publication of
7 delinquent lists showing the names of taxpayers who have failed to pay
8 their taxes at the time and in the manner provided by section two
9 hundred thirteen of this chapter together with any relevant information
10 which in the opinion of the commissioner may assist in the collection of
11 such delinquent taxes; or the inspection by the attorney general or
12 other legal representatives of the state of the report of any corpo-
13 ration which shall bring action to set aside or review the tax based
14 thereon, or against which an action or proceeding under this chapter has
15 been recommended by the commissioner of taxation and finance or the
16 attorney general or has been instituted; or the inspection of the
17 reports of any corporation by the comptroller or duly designated officer
18 or employee of the state department of audit and control, for purposes
19 of the audit of a refund of any tax paid by such corporation under this
20 article[; and nothing in this chapter shall be construed to prohibit the
21 publication of the issuer's allocation percentage of any corporation, as
22 such term "issuer's allocation percentage" is defined in subparagraph
23 one of paragraph (b) of subdivision three of section two hundred ten of
24 this article].

25 § 4. Subdivision (a) of section 213-b of the tax law, as amended by
26 section 10 of part Q of chapter 60 of the laws of 2016, is amended to
27 read as follows:

1 (a) First installments for certain taxpayers.--In privilege periods of
2 twelve months ending at any time during the calendar year nineteen
3 hundred seventy and thereafter, every taxpayer subject to the tax
4 imposed by section two hundred nine of this chapter must pay with the
5 report required to be filed for the preceding privilege period, or with
6 an application for extension of the time for filing the report, for
7 taxable years beginning before January first, two thousand sixteen, and
8 must pay on or before the fifteenth day of the third month of such priv-
9 ilege periods, for taxable years beginning on or after January first,
10 two thousand sixteen, an amount equal to (i) twenty-five percent of the
11 second preceding year's tax if the second preceding year's tax exceeded
12 one thousand dollars but was equal to or less than one hundred thousand
13 dollars, or (ii) forty percent of the second preceding year's tax if the
14 second preceding year's tax exceeded one hundred thousand dollars. If
15 the second preceding year's tax under section two hundred nine of this
16 chapter exceeded one thousand dollars and the taxpayer is subject to the
17 tax surcharge imposed by section two hundred nine-B of this chapter, the
18 taxpayer must also pay with the tax surcharge report required to be
19 filed for the second preceding privilege period, or with an application
20 for extension of the time for filing the report, for taxable years
21 beginning before January first, two thousand sixteen, and must pay on or
22 before the fifteenth day of the third month of such privilege periods,
23 for taxable years beginning on or after January first, two thousand
24 sixteen, an amount equal to (i) twenty-five percent of the tax surcharge
25 imposed for the second preceding year if the second preceding year's tax
26 was equal to or less than one hundred thousand dollars, or (ii) forty
27 percent of the tax surcharge imposed for the second preceding year if
28 the second preceding year's tax exceeded one hundred thousand dollars.

1 Provided, however, that every taxpayer that is [an] a New York S corpo-
2 ration must pay with the report required to be filed for the preceding
3 privilege period, or with an application for extension of the time for
4 filing the report, an amount equal to (i) twenty-five percent of the
5 preceding year's tax if the preceding year's tax exceeded one thousand
6 dollars but was equal to or less than one hundred thousand dollars, or
7 (ii) forty percent of the preceding year's tax if the preceding year's
8 tax exceeded one hundred thousand dollars. [If the preceding year's tax
9 under section two hundred nine of this article exceeded one thousand
10 dollars and such taxpayer that is an S corporation is subject to the tax
11 surcharge imposed by section two hundred nine-B of this article, the
12 taxpayer must also pay with the tax surcharge report required to be
13 filed for the preceding privilege period, or with an application for
14 extension of the time for filing the report, an amount equal to (i)
15 twenty-five percent of the tax surcharge imposed for the preceding year
16 if the preceding year's tax was equal equal to or less than one hundred
17 thousand dollars, or (ii) forty percent of the tax surcharge imposed for
18 the preceding year if the preceding year's tax exceeded one hundred
19 thousand dollars.]

20 § 5. Subdivision (e) of section 213-b of the tax law, as amended by
21 chapter 166 of the laws of 1991, the subdivision heading as amended by
22 section 10-b of part Q of chapter 60 of the laws of 2016, is amended to
23 read as follows:

24 (e) Interest on certain installments based on the second preceding
25 year's tax.--Notwithstanding the provisions of section one thousand
26 eighty-eight of this chapter or of section sixteen of the state finance
27 law, if an amount paid pursuant to subdivision (a) exceeds the tax or
28 tax surcharge, respectively, shown on the report required to be filed by

1 the taxpayer for the privilege period during which the amount was paid,
2 interest shall be allowed and paid on the amount by which the amount so
3 paid pursuant to such subdivision exceeds such tax or tax surcharge. In
4 the case of amounts so paid pursuant to subdivision (a), such interest
5 shall be allowed and paid at the overpayment rate set by the commission-
6 er of taxation and finance pursuant to section one thousand ninety-six
7 of this chapter, or if no rate is set, at the rate of six per centum per
8 annum from the date of payment of the amount so paid pursuant to such
9 subdivision to the fifteenth day of the [third] fourth month following
10 the close of the taxable year, provided, however, that no interest shall
11 be allowed or paid under this subdivision if the amount thereof is less
12 than one dollar or if such interest becomes payable solely because of a
13 carryback of a net operating loss in a subsequent privilege period.

14 § 6. Subdivision (a) of section 1503 of the tax law, as amended by
15 chapter 817 of the laws of 1987, is amended to read as follows:

16 (a) The entire net income of a taxpayer shall be its total net income
17 from all sources which shall be presumably the same as the life insur-
18 ance company taxable income (which shall include, in the case of a stock
19 life insurance company [which] that has a balance, as determined as of
20 the close of such company's last taxable year beginning before January
21 first, two thousand eighteen, in an existing policyholders surplus
22 account, as such term is defined in section 815 of the internal revenue
23 code as such section was in effect for taxable years beginning before
24 January first, two thousand eighteen, the amount of [direct and indirect
25 distributions during the taxable year to shareholders from such account]
26 one-eighth of such balance), taxable income of a partnership or taxable
27 income, but not alternative minimum taxable income, as the case may be,
28 which the taxpayer is required to report to the United States treasury

1 department, for the taxable year or, in the case of a corporation exempt
2 from federal income tax (other than the tax on unrelated business taxa-
3 ble income imposed under section 511 of the internal revenue code) but
4 not exempt from tax under section fifteen hundred one, the taxable
5 income which such taxpayer would have been required to report but for
6 such exemption, except as hereinafter provided.

7 § 7. Subparagraphs (A) and (B) of paragraph 1 of subdivision (d) of
8 section 11-525 of the administrative code of the city of New York are
9 amended to read as follows:

10 (A) The tax shown on the return of the taxpayer for the preceding
11 taxable year or the second preceding taxable year, as applicable with
12 respect to the taxpayer's declaration of estimated tax, if a return
13 showing a liability for tax was filed by the taxpayer for [the] such
14 preceding or second preceding taxable year and such preceding or second
15 preceding year was a taxable year of twelve months, or

16 (B) An amount equal to the tax computed, at the rates applicable to
17 the taxable year, but otherwise on the basis of the facts shown on the
18 taxpayer's return for, and the law applicable to, the preceding taxable
19 year or the second preceding taxable year, as applicable with respect to
20 the taxpayer's declaration of estimated tax, or

21 § 8. Paragraphs (a) and (b) of subdivision 4 of section 11-676 of the
22 administrative code of the city of New York are amended to read as
23 follows:

24 (a) The tax shown on the return of the taxpayer for the preceding
25 taxable year or the second preceding taxable year, as applicable with
26 respect to the taxpayer's declaration of estimated tax, if a return
27 showing a liability for tax was filed by the taxpayer for [the] such

1 preceding or second preceding taxable year and such preceding or second
2 preceding year was a taxable year of twelve months, or

3 (b) An amount equal to the tax computed at the rates applicable to the
4 taxable year, but otherwise on the basis of the facts shown on the
5 return of the taxpayer for, and the law applicable to, the preceding
6 taxable year or the second preceding taxable year, as applicable with
7 respect to the taxpayer's declaration of estimated tax, or

8 § 9. Section 2 of chapter 369 of the laws of 2018 amending the tax law
9 relating to unrelated business taxable income of a taxpayer, is amended
10 to read as follows:

11 § 2. This act shall take effect immediately and shall apply to [taxa-
12 ble years beginning] amounts paid or incurred on and after January 1,
13 2018.

14 § 10. This act shall take effect immediately, provided, however, that:

15 (i) section one of this act shall be deemed to have been in full force
16 and effect on and after the effective date of part K of chapter 59 of
17 the laws of 2017;

18 (ii) sections two and six of this act shall be deemed to have been in
19 full force and effect on and after the effective date of part KK of
20 chapter 59 of the laws of 2018; provided, however, that section six of
21 this act shall apply to taxable years beginning on or after January 1,
22 2018 through taxable years beginning on or before January 1, 2025;

23 (iii) section three of this act shall be deemed to have been in full
24 force and effect on and after the effective date of part A of chapter 59
25 of the laws of 2014;

26 (iv) sections four, five, seven and eight of this act shall be deemed
27 to have been in full force and effect on and after the effective date of
28 part Q of chapter 60 of the laws of 2016;

1 (v) section nine of this act shall be deemed to have been in full
2 force and effect on and after the effective date of chapter 369 of the
3 laws of 2018.

4 PART AA

5 Section 1. Section 487 of the real property tax law is amended by
6 adding a new subdivision 10 to read as follows:

7 10. Notwithstanding the foregoing provisions of this section, on or
8 after April first, two thousand nineteen, real property that comprises
9 or includes a solar or wind energy system, farm waste energy system,
10 microhydroelectric energy system, fuel cell electric generating system,
11 microcombined heat and power generating equipment system, or electric
12 energy storage system as such terms are defined in paragraphs (b), (f),
13 (h), (j), (l) and (n) of subdivision one of this section (hereinafter,
14 individually or collectively, "energy system"), shall be exempt from any
15 taxation, special ad valorem levies, and special assessments to the
16 extent provided in section four hundred ninety of this article, and the
17 owner of such property shall not be subject to any requirement to enter
18 into a contract for payments in lieu of taxes in accordance with subdi-
19 vision nine of this section, if: (a) the energy system is installed on
20 real property that is owned or controlled by the state of New York, a
21 department or agency thereof, or a state authority as that term is
22 defined by subdivision one of section two of the public authorities law;
23 and (b) the state of New York, a department or agency thereof, or a
24 state authority as that term is defined by subdivision one of section
25 two of the public authorities law has agreed to purchase the energy
26 produced by such energy system or the environmental credits or attri-

1 butes created by virtue of the energy system's operation, in accordance
2 with a written agreement with the owner or operator of such energy
3 system. Such exemption shall be granted only upon application by the
4 owner of the real property on a form prescribed by the commissioner,
5 which application shall be filed with the assessor of the appropriate
6 county, city, town or village on or before the taxable status date of
7 such county, city, town or village.

8 § 2. This act shall take effect immediately.

9 PART BB

10 Section 1. Subdivision 1 of section 107 of the racing, pari-mutuel
11 wagering and breeding law, as added by section 1 of part A of chapter 60
12 of the laws of 2012, is amended as follows:

13 1. No person shall be appointed to or employed by the commission if,
14 during the period commencing three years prior to appointment or employ-
15 ment, [said] such person held any direct or indirect interest in, or
16 employment by, any corporation, association or person engaged in gaming
17 activity within the state. Prior to appointment or employment, each
18 member, officer or employee of the commission shall swear or affirm that
19 he or she possesses no interest in any corporation or association hold-
20 ing a franchise, license, registration, certificate or permit issued by
21 the commission. Thereafter, no member or officer of the commission shall
22 hold any direct interest in or be employed by any applicant for or by
23 any corporation, association or person holding a license, registration,
24 franchise, certificate or permit issued by the commission for a period
25 of four years commencing on the date his or her membership with the
26 commission terminates. Further, no employee of the commission may

1 acquire any direct or indirect interest in, or accept employment with,
2 any applicant for or any person holding a license, registration, fran-
3 chise, certificate or permit issued by the commission for a period of
4 two years commencing at the termination of employment with the commis-
5 sion. The commission may, by resolution adopted at a properly noticed
6 public meeting, waive for good cause any of its pre-employment
7 restrictions for a prospective employee.

8 § 2. This act shall take effect immediately.

9 PART CC

10 Section 1. Subdivision 2 of section 254 of the racing, pari-mutuel
11 wagering and breeding law is amended by adding a new paragraph h to read
12 as follows:

13 h. An amount as shall be determined by the fund to support and promote
14 the ongoing care of retired horses, provided, however, that the fund
15 shall not be required to make any allocation for such purposes.

16 § 2. Subdivision 1 of section 332 of the racing, pari-mutuel wagering
17 and breeding law is amended by adding a new paragraph j to read as
18 follows:

19 j. An amount as shall be determined by the fund to support and promote
20 the ongoing care of retired horses, provided, however, that the fund
21 shall not be required to make any allocation for such purposes.

22 § 3. This act shall take effect immediately.

23 PART DD

1 Section 1. This Part enacts into law legislation relating to the
2 office of gaming inspector general, the thoroughbred breeding and devel-
3 opment fund, the Harry M. Zweig memorial fund and prize payment amounts
4 and revenue distributions of lottery game sales. Each component is whol-
5 ly contained within a Subpart identified as Subparts A through D. The
6 effective date for each particular provision contained within such
7 Subpart is set forth in the last section of such Subpart. Any provision
8 in any section contained within a Subpart, including the effective date
9 of the Subpart, which makes a reference to a section "of this act", when
10 used in connection with that particular component, shall be deemed to
11 mean and refer to the corresponding section of the Subpart in which it
12 is found. Section three of this Part sets forth the general effective
13 date of this Part.

14 SUBPART A

15 Section 1. Sections 1368, 1369, 1370, and 1371 of the racing, pari-mu-
16 tuel wagering and breeding law are renumbered sections 130, 131, 132,
17 and 133.

18 § 2. Title 9 of article 13 of the racing, pari-mutuel wagering and
19 breeding law is REPEALED.

20 § 3. Section 130 of the racing, pari-mutuel wagering and breeding law,
21 as added by chapter 174 of the laws of 2013 and as renumbered by section
22 one of this act, is amended to read as follows:

23 § 130. Establishment of the office of gaming inspector general. There
24 is hereby created within the commission the office of gaming inspector
25 general. The head of the office shall be the gaming inspector general
26 who shall be appointed by the governor by and with the advice and

1 consent of the senate. The gaming inspector general shall serve at the
2 pleasure of the governor. The gaming inspector general shall report
3 directly to the governor. The person appointed as gaming inspector
4 general shall, upon his or her appointment, have not less than ten years
5 professional experience in law, investigation, or auditing. The gaming
6 inspector general shall be compensated within the limits of funds avail-
7 able therefor, provided, however, such salary shall be no less than the
8 salaries of certain state officers holding the positions indicated in
9 paragraph (a) of subdivision one of section one hundred sixty-nine of
10 the executive law.

11 § 4. The section heading, opening paragraph and subdivision 7 of
12 section 131 of the racing, pari-mutuel wagering and breeding law, as
13 added by chapter 174 of the laws of 2013 and such section as renumbered
14 by section one of this act, are amended to read as follows:

15 [State gaming] Gaming inspector general; functions and duties. The
16 [state] gaming inspector general shall have the following duties and
17 responsibilities:

18 7. establish programs for training commission officers and employees
19 [regarding] in regard to the prevention and elimination of corruption,
20 fraud, criminal activity, conflicts of interest or abuse in the commis-
21 sion.

22 § 5. The opening paragraph of section 132 of the racing, pari-mutuel
23 wagering and breeding law, as added by chapter 174 of the laws of 2013
24 and such section as renumbered by section one of this act, is amended to
25 read as follows:

26 The [state] gaming inspector general shall have the power to:

1 § 6. Section 133 of the racing, pari-mutuel wagering and breeding law,
2 as added by chapter 174 of the laws of 2013 and as renumbered by section
3 one of this act, is amended to read as follows:

4 § 133. Responsibilities of the commission and its officers and employ-
5 ees. 1. Every commission officer or employee shall report promptly to
6 the [state] gaming inspector general any information concerning
7 corruption, fraud, criminal activity, conflicts of interest or abuse by
8 another state officer or employee relating to his or her office or
9 employment, or by a person having business dealings with the commission
10 relating to those dealings. The knowing failure of any officer or
11 employee to so report shall be cause for removal from office or employ-
12 ment or other appropriate penalty under this article. Any officer or
13 employee who acts pursuant to this subdivision by reporting to the
14 [state] gaming inspector general or other appropriate law enforcement
15 official improper governmental action as defined in section seventy-
16 five-b of the civil service law shall not be subject to dismissal,
17 discipline or other adverse personnel action.

18 2. The commission chair shall advise the governor within ninety days
19 of the issuance of a report by the [state] gaming inspector general as
20 to the remedial action that the commission has taken in response to any
21 recommendation for such action contained in such report.

22 § 7. This act shall take effect immediately.

23 SUBPART B

24 Section 1. Subdivision 1 of section 252 of the racing, pari-mutuel
25 wagering and breeding law, as amended by section 11 of part A of chapter
26 60 of the laws of 2012, is amended to read as follows:

1 1. A corporation to be known as the New York state thoroughbred breed-
2 ing and development fund corporation is hereby created. Such corporation
3 shall be a body corporate and politic constituting a public benefit
4 corporation. It shall be administered by a board of directors consisting
5 of the chair of the state gaming commission or his or her designee, the
6 commissioner of agriculture and markets, three members of the state
7 gaming commission or other bona fide residents of the state who have a
8 cogent interest in the thoroughbred breeding industry in the state as
9 designated by the governor and six members appointed by the governor,
10 all of whom are experienced or have been actively engaged in the breed-
11 ing of thoroughbred horses in New York state, one, the president or the
12 executive director of the statewide thoroughbred breeders association
13 representing the majority of breeders of registered thoroughbreds in New
14 York state, one upon the recommendation of the majority leader of the
15 senate, one upon the recommendation of the speaker of the assembly, one
16 upon the recommendation of the minority leader of the senate, and one
17 upon the recommendation of the minority leader of the assembly. Two of
18 the appointed members shall initially serve for a two year term, two of
19 the appointed members shall initially serve for a three year term and
20 two of the appointed members shall initially serve for a four year term.
21 All successors appointed members shall serve for a four year term. All
22 members shall continue in office until their successors have been
23 appointed and qualified. The governor shall designate the chair from
24 among the sitting members who shall serve as such at the pleasure of the
25 governor.

26 § 2. This act shall take effect immediately.

1 Section 1. Subdivision 1 of section 17 of the public officers law is
2 amended by adding a new paragraph (aa) to read as follows:

3 (aa) For the purposes of this section, the term "employee" shall
4 include the members of the Harry M. Zweig memorial fund for equine
5 research committee.

6 § 2. Section 703 of the racing, pari-mutuel wagering and breeding law
7 is amended by adding a new subdivision 3 to read as follows:

8 3. Notwithstanding the provisions of section eleven of the state
9 finance law and any other inconsistent provision of law, the fund may
10 acquire property by the acceptance of conditional gifts, grants, devises
11 or bequests given in furtherance of the mission of the fund.

12 § 3. This act shall take effect immediately.

13 SUBPART D

14 Section 1. Paragraph 2 of subdivision a of section 1612 of the tax
15 law, as amended by chapter 174 of the laws of 2013, is amended to read
16 as follows:

17 (2) [sixty-five] sixty-four and one-fourth percent of the total amount
18 for which tickets have been sold for the "Instant Cash" game in which
19 the participant purchases a preprinted ticket on which dollar amounts or
20 symbols are concealed on the face or the back of such ticket, provided
21 however up to five new games may be offered during the fiscal year,
22 [seventy-five] seventy-four and one-fourth percent of the total amount
23 for which tickets have been sold for such five games in which the
24 participant purchases a preprinted ticket on which dollar amounts or
25 symbols are concealed on the face or the back of such ticket; or

1 § 2. The opening paragraph of paragraph 1 of subdivision b of section
2 1612 of the tax law, as amended by chapter 174 of the laws of 2013, is
3 amended to read as follows:

4 Notwithstanding section one hundred twenty-one of the state finance
5 law, on or before the twentieth day of each month, the [division]
6 commission shall pay into the state treasury, to the credit of the state
7 lottery fund created by section ninety-two-c of the state finance law,
8 not less than forty-five percent of the total amount for which tickets
9 have been sold for games defined in paragraph five of subdivision a of
10 this section during the preceeding month, not less than [forty-five]
11 thirty-five percent of the total amount for which tickets have be sold
12 for games defined in paragraph four of subdivision a of this section
13 during the preceding month, not less than [thirty-five] thirty percent
14 of the total amount for which tickets have been sold for games defined
15 in paragraph three of subdivision a of this section during the preceding
16 month, not less than twenty and three-fourths percent of the total
17 amount for which tickets have been sold for games defined in paragraph
18 two of subdivision a of this section during the preceding month,
19 provided however that for games with a prize payout of [seventy-five]
20 seventy-four and one-fourth percent of the total amount for which tick-
21 ets have been sold, the [division] commission shall pay not less than
22 ten and three-fourths percent of sales into the state treasury and not
23 less than twenty-five percent of the total amount for which tickets have
24 been sold for games defined in paragraph one of subdivision a of this
25 section during the preceding month; and the balance of the total revenue
26 after payout for prizes for games known as "video lottery gaming,"
27 including any joint, multi-jurisdiction, and out-of-state video lottery
28 gaming,

1 § 3. Subdivision a of section 1614 of the tax law, as amended by chap-
2 ter 170 of the laws of 1994, is amended to read as follows:

3 a. No prize claim shall be valid if submitted to the [division]
4 commission following the expiration of a one-year time period from the
5 date of the drawing or from the close of the game in which a prize was
6 won, and the person otherwise entitled to such prize shall forfeit any
7 claim or entitlement to such prize moneys. Unclaimed prize money, plus
8 interest earned thereon, shall be retained in the lottery prize account
9 to be used for payment of special [lotto] or supplemental [lotto] prizes
10 offered pursuant to the plan or plans specified in this article, [or]
11 and for promotional purposes to supplement [other] games on an occa-
12 sional basis [not to exceed sixteen weeks within any twelve month period
13 pursuant to the plan or plans specified in this article].

14 In the event that the director proposes to change any plan for the use
15 of unclaimed prize funds or in the event the director intends to use
16 funds in a game other than the game from which such unclaimed prize
17 funds were derived, the director of the budget, the chairperson of the
18 senate finance committee, and the chairperson of the assembly ways and
19 means committee shall be notified in writing separately detailing the
20 proposed changes to any plan prior to the implementation of the changes.

21 § 4. This act shall take effect immediately.

22 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
23 sion, section or subpart of this act shall be adjudged by any court of
24 competent jurisdiction to be invalid, such judgment shall not affect,
25 impair, or invalidate the remainder thereof, but shall be confined in
26 its operation to the clause, sentence, paragraph, subdivision, section
27 or subpart thereof directly involved in the controversy in which such
28 judgment shall have been rendered. It is hereby declared to be the

1 intent of the legislature that this act would have been enacted even if
2 such invalid provisions had not been included herein.

3 § 3. This act shall take effect immediately provided, however, that
4 the applicable effective date of Subparts A through D of this Part shall
5 be as specifically set forth in the last section of such Subparts.

6 PART EE

7 Section 1. Subparagraphs (ii) and (iii) of paragraph 1 of subdivision
8 b of section 1612 of the tax law are REPEALED and two new subparagraphs
9 (ii) and (iii) are added to read as follows:

10 (ii) less a vendor's fee the amount of which is to be paid for serving
11 as a lottery agent to the track operator of a vendor track or the opera-
12 tor of any other video lottery gaming facility authorized pursuant to
13 section sixteen hundred seventeen-a of this article. The amount of the
14 vendor's fee shall be calculated as follows:

15 (A) when a vendor track is located within development zone one as
16 defined by section thirteen hundred ten of the racing, pari-mutuel
17 wagering and breeding law, at a rate of thirty-nine and one-half percent
18 of the total revenue wagered at the vendor track after payout for prizes
19 pursuant to this chapter;

20 (B) when a vendor track is located within zone two as defined by
21 section thirteen hundred ten of the racing, pari-mutuel wagering and
22 breeding law, the rate of the total revenue wagered at the vendor track
23 after payout for prizes pursuant to this chapter shall be as follows:

24 (1) forty-three and one-half percent for a vendor track located more
25 than fifteen miles but less than fifty miles from a destination resort

1 gaming facility authorized pursuant to article thirteen of the racing,
2 pari-mutuel wagering and breeding law;

3 (2) forty-nine percent for a vendor tack located within fifteen miles
4 of a destination resort gaming facility authorized pursuant to article
5 thirteen of the racing, pari-mutuel wagering and breeding law;

6 (3) fifty-one percent for vendor track located more than fifteen miles
7 but less than fifty miles from a Native American class III gaming facil-
8 ity as defined in 25 U.S.C. §2703(8);

9 (4) fifty-six percent for a vendor track located within fifteen miles
10 of a Native American class III gaming facility as defined in 25 U.S.C
11 §2703(8);

12 (B-1) Notwithstanding subparagraph (B) of this paragraph, for the
13 period commencing on April first, two thousand nineteen and ending on
14 March thirty-first, two thousand twenty, for a vendor track that is
15 located within Ontario County, such vendor fee shall be thirty-seven and
16 one-half percent of the total revenue wagered at the vendor track after
17 payout for prizes pursuant to this chapter;

18 (B-2) Notwithstanding subparagraph (B) of this paragraph, for the
19 period commencing on April first, two thousand nineteen and ending on
20 March thirty-first two thousand twenty, for a vendor track that is
21 located within Saratoga County, such vendor fee shall be thirty-nine and
22 one-half percent of the total revenue wagered at the vendor track after
23 payout for prizes pursuant to this chapter;

24 (C) when a video lottery facility is located at Aqueduct racetrack, at
25 a rate of fifty percent of the total revenue wagered at the video
26 lottery gaming facility after payout for prizes pursuant to this chap-
27 ter;

1 (D) when a video lottery gaming facility is located in either Nassau
2 or Suffolk counties and is operated by a corporation established pursu-
3 ant to section five hundred two of the racing, pari-mutuel wagering and
4 breeding law, at a rate of forty-five percent of the total revenue
5 wagered at the video lottery gaming facility after payout for prizes
6 pursuant to this chapter.

7 (iii) less any additional vendor's fees. Additional vendor's fees
8 shall be calculated as follows:

9 (A) For a vendor track that is located within Sullivan County, within
10 development zone two as defined by section thirteen hundred ten of the
11 racing, pari-mutuel wagering and breeding law, such additional vendor
12 fee shall be fifteen and one-tenth percent of the total revenue wagered
13 at the vendor track after payout for prizes pursuant to this chapter;

14 (B) For a vendor track that is located within Ontario County, within
15 development zone two as defined by section thirteen hundred ten of the
16 racing, pari-mutuel wagering and breeding law, such additional vendor
17 fee shall be ten percent of the total revenue wagered at the vendor
18 track after payout for prizes pursuant to this chapter;

19 (C) For a vendor track that is located within Saratoga County, within
20 development zone two as defined by section thirteen hundred ten of the
21 racing, pari-mutuel wagering and breeding law, such additional vendor
22 fee shall be ten percent of the total revenue wagered at the vendor
23 track after payout for prizes pursuant to this chapter;

24 (D) for a vendor track that is located within Oneida county, within
25 fifteen miles of a Native American class III gaming facility, such addi-
26 tional vendor fee shall be six and four-tenths percent of the total
27 revenue wagered at the vendor after payout for prizes pursuant to this
28 chapter. The vendor track shall forfeit this additional vendor fee for

1 any time period that the vendor track does not maintain at least ninety
2 percent of full-time equivalent employees as they employed in the year
3 two thousand sixteen.

4 § 2. Subdivision b of section 1612 of the tax law is amended by adding
5 three new paragraphs 1-a, 1-b, and 1-c to read as follows:

6 1-a. (i) Notwithstanding any provision of law to the contrary, any
7 operators of a vendor track or the operators of any other video lottery
8 gaming facility eligible to receive a capital award as of December thir-
9 ty-first, two thousand eighteen shall deposit from their vendor fee into
10 a segregated account an amount equal to four percent of the first
11 sixty-two million five hundred thousand dollars of revenue wagered at
12 the vendor track after payout for prizes pursuant to this chapter to be
13 used exclusively for capital investments, except for Aqueduct, which
14 shall deposit into a segregated account an amount equal to one percent
15 of all revenue wagered at the video lottery gaming facility after payout
16 for prizes pursuant to this chapter until the earlier of the designation
17 of one thousand video lottery devices as hosted pursuant to paragraph
18 four of subdivision a of section sixteen hundred seventeen-a of this
19 article or April first, two thousand nineteen, when at such time four
20 percent of all revenue wagered at the video lottery gaming facility
21 after payout for prizes pursuant to this chapter shall be deposited into
22 a segregated account for capital investments.

23 (ii) Vendor tracks and video lottery gaming facilities shall be
24 permitted to withdraw funds for projects approved by the commission to
25 improve the facilities of the vendor track or video lottery gaming
26 facility which enhance or maintain the video lottery gaming facility
27 including, but not limited to hotels, other lodging facilities, enter-
28 tainment facilities, retail facilities, dining facilities, events

1 arenas, parking garages and other improvements and amenities customary
2 to a gaming facility, provided, however, the vendor tracks and video
3 lottery gaming facilities shall be permitted to withdraw funds for unre-
4 imbursed capital awards approved prior to the effective date of this
5 subparagraph.

6 (iii) Any proceeds from the divestiture of any assets acquired through
7 these capital funds or any prior capital award must be deposited into
8 this segregated account, provided that if the vendor track or video
9 lottery gaming facility ceases use of such asset for gaming purposes or
10 transfers the asset to a related party, such vendor track or video
11 lottery gaming facility shall deposit an amount equal to the fair market
12 value of that asset into the account.

13 (iv) In the event a vendor track or video lottery gaming facility
14 ceases gaming operations, any balance in the account along with an
15 amount equal to the value of all remaining assets acquired through this
16 fund or prior capital awards shall be returned to the state for deposit
17 into the state lottery fund for education aid, except for Aqueduct,
18 which shall return to the state for deposit into the state lottery fund
19 for education aid all amounts in excess of the amount needed to fund a
20 project pursuant to an agreement with the operator to construct an
21 expansion of the facility, hotel, and convention and exhibition space
22 requiring a minimum capital investment of three hundred million dollars
23 and any subsequent amendments to such agreement.

24 (v) The comptroller or his legally authorized representative is
25 authorized to audit any and all expenditures made out of these segre-
26 gated capital accounts.

27 (vi) Notwithstanding subparagraphs (i) through (v) of this paragraph,
28 a vendor track located in Ontario county may withdraw up to two million

1 dollars from this account for the purpose of constructing a turf course
2 at the vendor track.

3 (vii) Any balance remaining in the capital award account of a vendor
4 track or operator or any other video lottery gaming facility as of March
5 thirty-first, two thousand nineteen shall be transferred for deposit
6 into a segregated account established by this subparagraph.

7 1-b. Notwithstanding any provision of law to the contrary, free play
8 allowance credits authorized by the division pursuant to subdivision i
9 of section sixteen hundred seventeen-a of this article shall not be
10 included in the calculation of the total amount wagered on video lottery
11 games, the total amount wagered after payout of prizes, the vendor fees
12 payable to the operators of video lottery gaming facilities, fees paya-
13 ble to the division's video lottery gaming equipment contractors, or
14 racing support payments.

15 1-c. Notwithstanding any provision of law to the contrary, the opera-
16 tor of a vendor track or the operator of any other video lottery gaming
17 facility shall fund a marketing and promotion program out of the
18 vendor's fee. Each operator shall submit an annual marketing plan for
19 the review and approval of the commission and any other required docu-
20 ments detailing promotional activities as prescribed by the commission.
21 The commission shall have the right to reject any advertisement or
22 promotion that does not properly represent the mission or interests of
23 the lottery or its programs.

24 § 3. This act shall take effect immediately; provided, however, claus-
25 es (A), (B) and (C) of subparagraph (iii) of paragraph 1 of subdivision
26 b of section 1612 of the tax law as added by section one of this act
27 shall take effect April 1, 2020 and shall expire and be deemed repealed
28 on March 31, 2023; and provided, however, clause (D) of subparagraph

1 (iii) of paragraph 1 of subdivision b of section 1612 of the tax law as
2 added by section one of this act shall take effect June 30, 2019 and
3 shall expire and be deemed repealed March 31, 2023.

4 PART FF

5 Section 1. Subdivision 25 of section 1301 of the racing, pari-mutuel
6 wagering and breeding law, as added by chapter 174 of the laws of 2013,
7 is amended to read as follows:

8 25. "Gross gaming revenue". The total of all sums actually received by
9 a gaming facility licensee from gaming operations less the total of all
10 sums paid out as winnings to patrons; provided, however, that the total
11 of all sums paid out as winnings to patrons shall not include the cash
12 equivalent value of any merchandise or thing of value included in a
13 jackpot or payout[; provided further, that the issuance to or wagering
14 by patrons of a gaming facility of any promotional gaming credit shall
15 not be taxable for the purposes of determining gross revenue].

16 § 2. Section 1351 of the racing, pari-mutuel wagering and breeding law
17 is amended by adding a new subdivision 2 to read as follows:

18 2. Permissible deductions. (a) A gaming facility may deduct from gross
19 gaming revenue the amount of approved promotional gaming credits issued
20 to and wagered by patrons of such gaming facility. The amount of
21 approved promotional credits shall be calculated as follows:

22 (1) for the period commencing on April first, two thousand eighteen
23 and ending on March thirty-first, two thousand twenty, an aggregate
24 maximum amount equal to nineteen percent of the base taxable gross
25 gaming revenue amount during the specified period;

1 (2) for the period commencing on April first, two thousand twenty and
2 ending on March thirty-first, two thousand twenty-three, a maximum
3 amount equal to nineteen percent of the base taxable gross gaming reven-
4 ue amount for each fiscal year during the specified period; and

5 (3) for the period commencing on April first, two thousand twenty-
6 three and thereafter, a maximum amount equal to fifteen percent of the
7 base taxable gross gaming revenue amount for each fiscal year during the
8 specified period.

9 (b) For purposes of paragraph (a) of this subdivision, "base taxable
10 gross gaming revenue amount" means that portion of gross gaming revenue
11 not attributable to deductible promotional credit.

12 (c) Any tax due on promotional credits deducted during the fiscal year
13 in excess of the allowable deduction shall be paid within thirty days
14 from the end of the fiscal year.

15 (d) Only promotional credits that are issued pursuant to a written
16 plan approved by the commission as designed to increase revenue at the
17 facility may be eligible for such deduction. The commission, in conjunc-
18 tion with the director of the budget, may suspend approval of any plan
19 whenever they jointly determine that the use of the promotional credits
20 under such plan is not effective in increasing the amount of revenue
21 earned.

22 § 3. This act shall take effect immediately.

23 PART GG

24 Section 1. Subdivision 12 of section 502 of the racing, pari-mutuel
25 wagering and breeding law is amended to read as follows:

1 12. a. The board of directors shall hold an annual meeting and meet
2 not less than quarterly.

3 b. Each board member shall receive, not less than seven days in
4 advance of a meeting, documentation necessary to ensure knowledgeable
5 and engaged participation. Such documentation shall include material
6 relevant to each agenda item including background information of
7 discussion items, resolutions to be considered and associated documents,
8 a monthly financial statement which shall include an updated cash flow
9 statement and aged payable listing of industry payables, financial
10 statements, management reports, committee reports and compliance items.

11 c. Staff of the corporation shall annually submit to the board for
12 approval a financial plan accompanied by expenditure, revenue and cash
13 flow projections. The plan shall contain projection of revenues and
14 expenditures based on reasonable and appropriate assumptions and methods
15 of estimations, and shall provide that operations will be conducted
16 within the cash resources available. The financial plan shall also
17 include information regarding projected employment levels, collective
18 bargaining agreements and other actions relating to employee costs,
19 capital construction and such other matters as the board may direct.

20 d. Staff of the corporation shall prepare and submit to the board on a
21 quarterly basis a report of summarized budget data depicting overall
22 trends, by major category within funds, of actual revenues and budget
23 expenditures for the entire budget rather than individual line items, as
24 well as updated quarterly cash flow projections of receipts and
25 disbursements. Such reports shall compare revenue estimates and appro-
26 priations as set forth in such budget and in the quarterly revenue and
27 expenditure projections submitted therewith, with the actual revenues
28 and expenditures made to date. Such reports shall also compare actual

1 receipts and disbursements with the estimates contained in the cash flow
2 projections, together with variances and their explanation. All quarter-
3 ly reports shall be accompanied by recommendations from the president
4 setting forth any remedial action necessary to resolve any unfavorable
5 budget variance including the overestimation of revenues and the under-
6 estimation of appropriations. These reports shall be completed within
7 thirty days after the end of each quarter and shall be submitted to the
8 board by the corporation comptroller.

9 e. Revenue estimates and the financial plan shall be regularly reexam-
10 ined by the board and staff and shall provide a modified financial plan
11 in such detail and within such time periods as the board may require. In
12 the event of reductions in such revenue estimates, the board shall
13 consider and approve such adjustments in revenue estimates and
14 reductions in total expenditures as may be necessary to conform to such
15 revised revenue estimates or aggregate expenditure limitations.

16 § 2. Section 503 of the racing, pari-mutuel wagering and breeding law
17 is amended by adding a new subdivision 15 to read as follows:

18 15. Notwithstanding any inconsistent provision of law, a regional
19 off-track betting corporation may, pursuant to a written plan and agree-
20 ment with another regional off-track betting corporation approved by the
21 commission, assume the off-track betting operations authorized by arti-
22 cle five-A of this chapter of the other regional off-track betting
23 corporation. During the duration of any such agreement, the regions of
24 any regional off-track betting corporations, as defined by section five
25 hundred nineteen of this chapter shall be deemed combined, provided,
26 however, the combining of such regions shall not impact the authori-
27 zation of a regional off-track betting corporation relinquishing off-

1 track betting operations to be incorporated, exercise other powers, or
2 to conduct any other activities permitted or authorized by law.

3 § 3. Subdivision 2-a of section 1009 of the racing, pari-mutuel wager-
4 ing and breeding law, is amended by adding a new paragraph (c) to read
5 as follows:

6 (c) The board may authorize a special demonstration project to be
7 located in any facility licensed pursuant to article thirteen of this
8 chapter. Notwithstanding the provisions of paragraph (a) of subdivision
9 five of this section, an admission fee shall not be required for a
10 demonstration project authorized in this paragraph. Provided however, on
11 any day when a regional harness track conducts a live race meeting, a
12 demonstration facility within that region shall predominantly display
13 the live video of such regional harness track.

14 § 4. This act shall take effect immediately.

15 PART HH

16 Section 1. Paragraph (a) of subdivision 1 of section 1003 of the
17 racing, pari-mutuel wagering and breeding law, as amended by section 1
18 of part GG of chapter 59 of the laws of 2018, is amended to read as
19 follows:

20 (a) Any racing association or corporation or regional off-track
21 betting corporation, authorized to conduct pari-mutuel wagering under
22 this chapter, desiring to display the simulcast of horse races on which
23 pari-mutuel betting shall be permitted in the manner and subject to the
24 conditions provided for in this article may apply to the commission for
25 a license so to do. Applications for licenses shall be in such form as
26 may be prescribed by the commission and shall contain such information

1 or other material or evidence as the commission may require. No license
2 shall be issued by the commission authorizing the simulcast transmission
3 of thoroughbred races from a track located in Suffolk county. The fee
4 for such licenses shall be five hundred dollars per simulcast facility
5 and for account wagering licensees that do not operate either a simul-
6 cast facility that is open to the public within the state of New York or
7 a licensed racetrack within the state, twenty thousand dollars per year
8 payable by the licensee to the commission for deposit into the general
9 fund. Except as provided in this section, the commission shall not
10 approve any application to conduct simulcasting into individual or group
11 residences, homes or other areas for the purposes of or in connection
12 with pari-mutuel wagering. The commission may approve simulcasting into
13 residences, homes or other areas to be conducted jointly by one or more
14 regional off-track betting corporations and one or more of the follow-
15 ing: a franchised corporation, thoroughbred racing corporation or a
16 harness racing corporation or association; provided (i) the simulcasting
17 consists only of those races on which pari-mutuel betting is authorized
18 by this chapter at one or more simulcast facilities for each of the
19 contracting off-track betting corporations which shall include wagers
20 made in accordance with section one thousand fifteen, one thousand
21 sixteen and one thousand seventeen of this article; provided further
22 that the contract provisions or other simulcast arrangements for such
23 simulcast facility shall be no less favorable than those in effect on
24 January first, two thousand five; (ii) that each off-track betting
25 corporation having within its geographic boundaries such residences,
26 homes or other areas technically capable of receiving the simulcast
27 signal shall be a contracting party; (iii) the distribution of revenues
28 shall be subject to contractual agreement of the parties except that

1 statutory payments to non-contracting parties, if any, may not be
2 reduced; provided, however, that nothing herein to the contrary shall
3 prevent a track from televising its races on an irregular basis primari-
4 ly for promotional or marketing purposes as found by the commission. For
5 purposes of this paragraph, the provisions of section one thousand thir-
6 teen of this article shall not apply. Any agreement authorizing an
7 in-home simulcasting experiment commencing prior to May fifteenth, nine-
8 teen hundred ninety-five, may, and all its terms, be extended until June
9 thirtieth, two thousand [nineteen] twenty-four; provided, however, that
10 any party to such agreement may elect to terminate such agreement upon
11 conveying written notice to all other parties of such agreement at least
12 forty-five days prior to the effective date of the termination, via
13 registered mail. Any party to an agreement receiving such notice of an
14 intent to terminate, may request the commission to mediate between the
15 parties new terms and conditions in a replacement agreement between the
16 parties as will permit continuation of an in-home experiment until June
17 thirtieth, two thousand [nineteen] twenty-four; and (iv) no in-home
18 simulcasting in the thoroughbred special betting district shall occur
19 without the approval of the regional thoroughbred track.

20 § 2. Subparagraph (iii) of paragraph d of subdivision 3 of section
21 1007 of the racing, pari-mutuel wagering and breeding law, as amended by
22 section 2 of part GG of chapter 59 of the laws of 2018, is amended to
23 read as follows:

24 (iii) Of the sums retained by a receiving track located in Westchester
25 county on races received from a franchised corporation, for the period
26 commencing January first, two thousand eight and continuing through June
27 thirtieth, two thousand [nineteen] twenty-four, the amount used exclu-
28 sively for purses to be awarded at races conducted by such receiving

1 track shall be computed as follows: of the sums so retained, two and
2 one-half percent of the total pools. Such amount shall be increased or
3 decreased in the amount of fifty percent of the difference in total
4 commissions determined by comparing the total commissions available
5 after July twenty-first, nineteen hundred ninety-five to the total
6 commissions that would have been available to such track prior to July
7 twenty-first, nineteen hundred ninety-five.

8 § 3. The opening paragraph of subdivision 1 of section 1014 of the
9 racing, pari-mutuel wagering and breeding law, as amended by section 3
10 of part GG of chapter 59 of the laws of 2018, is amended to read as
11 follows:

12 The provisions of this section shall govern the simulcasting of races
13 conducted at thoroughbred tracks located in another state or country on
14 any day during which a franchised corporation is conducting a race meet-
15 ing in Saratoga county at Saratoga thoroughbred racetrack until June
16 thirtieth, two thousand [nineteen] twenty-four and on any day regardless
17 of whether or not a franchised corporation is conducting a race meeting
18 in Saratoga county at Saratoga thoroughbred racetrack after June thirti-
19 eth, two thousand [nineteen] twenty-four. On any day on which a fran-
20 chised corporation has not scheduled a racing program but a thoroughbred
21 racing corporation located within the state is conducting racing, every
22 off-track betting corporation branch office and every simulcasting
23 facility licensed in accordance with section one thousand seven (that
24 [have] has entered into a written agreement with such facility's repre-
25 sentative horsemen's organization, as approved by the commission), one
26 thousand eight, or one thousand nine of this article shall be authorized
27 to accept wagers and display the live simulcast signal from thoroughbred

1 tracks located in another state or foreign country subject to the
2 following provisions:

3 § 4. Subdivision 1 of section 1015 of the racing, pari-mutuel wagering
4 and breeding law, as amended by section 4 of part GG of chapter 59 of
5 the laws of 2018, is amended to read as follows:

6 1. The provisions of this section shall govern the simulcasting of
7 races conducted at harness tracks located in another state or country
8 during the period July first, nineteen hundred ninety-four through June
9 thirtieth, two thousand [nineteen] twenty-four. This section shall
10 supersede all inconsistent provisions of this chapter.

11 § 5. The opening paragraph of subdivision 1 of section 1016 of the
12 racing, pari-mutuel wagering and breeding law, as amended by section 5
13 of part GG of chapter 59 of the laws of 2018, is amended to read as
14 follows:

15 The provisions of this section shall govern the simulcasting of races
16 conducted at thoroughbred tracks located in another state or country on
17 any day during which a franchised corporation is not conducting a race
18 meeting in Saratoga county at Saratoga thoroughbred racetrack until June
19 thirtieth, two thousand [nineteen] twenty-four. Every off-track betting
20 corporation branch office and every simulcasting facility licensed in
21 accordance with section one thousand seven that have entered into a
22 written agreement with such facility's representative horsemen's organ-
23 ization as approved by the commission, one thousand eight or one thou-
24 sand nine of this article shall be authorized to accept wagers and
25 display the live full-card simulcast signal of thoroughbred tracks
26 (which may include quarter horse or mixed meetings provided that all
27 such wagering on such races shall be construed to be thoroughbred races)
28 located in another state or foreign country, subject to the following

1 provisions; provided, however, no such written agreement shall be
2 required of a franchised corporation licensed in accordance with section
3 one thousand seven of this article:

4 § 6. The opening paragraph of section 1018 of the racing, pari-mutuel
5 wagering and breeding law, as amended by section 6 of part GG of chapter
6 59 of the laws of 2018, is amended to read as follows:

7 Notwithstanding any other provision of this chapter, for the period
8 July twenty-fifth, two thousand one through September eighth, two thou-
9 sand [eighteen] twenty-three, when a franchised corporation is conduct-
10 ing a race meeting within the state at Saratoga Race Course, every off-
11 track betting corporation branch office and every simulcasting facility
12 licensed in accordance with section one thousand seven (that has entered
13 into a written agreement with such facility's representative horsemen's
14 organization as approved by the commission), one thousand eight or one
15 thousand nine of this article shall be authorized to accept wagers and
16 display the live simulcast signal from thoroughbred tracks located in
17 another state, provided that such facility shall accept wagers on races
18 run at all in-state thoroughbred tracks which are conducting racing
19 programs subject to the following provisions; provided, however, no such
20 written agreement shall be required of a franchised corporation licensed
21 in accordance with section one thousand seven of this article.

22 § 7. Section 32 of chapter 281 of the laws of 1994, amending the
23 racing, pari-mutuel wagering and breeding law and other laws relating to
24 simulcasting, as amended by section 7 of part GG of chapter 59 of the
25 laws of 2018, is amended to read as follows:

26 § 32. This act shall take effect immediately and the pari-mutuel tax
27 reductions in section six of this act shall expire and be deemed
28 repealed on July 1, [2019] 2024; provided, however, that nothing

1 contained herein shall be deemed to affect the application, qualifica-
2 tion, expiration, or repeal of any provision of law amended by any
3 section of this act, and such provisions shall be applied or qualified
4 or shall expire or be deemed repealed in the same manner, to the same
5 extent and on the same date as the case may be as otherwise provided by
6 law; provided further, however, that sections twenty-three and twenty-
7 five of this act shall remain in full force and effect only until May 1,
8 1997 and at such time shall be deemed to be repealed.

9 § 8. Section 54 of chapter 346 of the laws of 1990, amending the
10 racing, pari-mutuel wagering and breeding law and other laws relating to
11 simulcasting and the imposition of certain taxes, as amended by section
12 8 of part GG of chapter 59 of the laws of 2018, is amended to read as
13 follows:

14 § 54. This act shall take effect immediately; provided, however,
15 sections three through twelve of this act shall take effect on January
16 1, 1991, and section 1013 of the racing, pari-mutuel wagering and breed-
17 ing law, as added by section thirty-eight of this act, shall expire and
18 be deemed repealed on July 1, [2019] 2024; and section eighteen of this
19 act shall take effect on July 1, 2008 and sections fifty-one and fifty-
20 two of this act shall take effect as of the same date as chapter 772 of
21 the laws of 1989 took effect.

22 § 9. Paragraph (a) of subdivision 1 of section 238 of the racing,
23 pari-mutuel wagering and breeding law, as amended by section 9 of part
24 GG of chapter 59 of the laws of 2018, is amended to read as follows:

25 (a) The franchised corporation authorized under this chapter to
26 conduct pari-mutuel betting at a race meeting or races run thereat shall
27 distribute all sums deposited in any pari-mutuel pool to the holders of
28 winning tickets therein, provided such tickets be presented for payment

1 before April first of the year following the year of their purchase,
2 less an amount which shall be established and retained by such fran-
3 chised corporation of between twelve to seventeen per centum of the
4 total deposits in pools resulting from on-track regular bets, and four-
5 teen to twenty-one per centum of the total deposits in pools resulting
6 from on-track multiple bets and fifteen to twenty-five per centum of the
7 total deposits in pools resulting from on-track exotic bets and fifteen
8 to thirty-six per centum of the total deposits in pools resulting from
9 on-track super exotic bets, plus the breaks. The retention rate to be
10 established is subject to the prior approval of the gaming commission.

11 Such rate may not be changed more than once per calendar quarter to be
12 effective on the first day of the calendar quarter. "Exotic bets" and
13 "multiple bets" shall have the meanings set forth in section five
14 hundred nineteen of this chapter. "Super exotic bets" shall have the
15 meaning set forth in section three hundred one of this chapter. For
16 purposes of this section, a "pick six bet" shall mean a single bet or
17 wager on the outcomes of six races. The breaks are hereby defined as the
18 odd cents over any multiple of five for payoffs greater than one dollar
19 five cents but less than five dollars, over any multiple of ten for
20 payoffs greater than five dollars but less than twenty-five dollars,
21 over any multiple of twenty-five for payoffs greater than twenty-five
22 dollars but less than two hundred fifty dollars, or over any multiple of
23 fifty for payoffs over two hundred fifty dollars. Out of the amount so
24 retained there shall be paid by such franchised corporation to the
25 commissioner of taxation and finance, as a reasonable tax by the state
26 for the privilege of conducting pari-mutuel betting on the races run at
27 the race meetings held by such franchised corporation, the following
28 percentages of the total pool for regular and multiple bets five per

1 centum of regular bets and four per centum of multiple bets plus twenty
2 per centum of the breaks; for exotic wagers seven and one-half per
3 centum plus twenty per centum of the breaks, and for super exotic bets
4 seven and one-half per centum plus fifty per centum of the breaks.

5 For the period June first, nineteen hundred ninety-five through
6 September ninth, nineteen hundred ninety-nine, such tax on regular
7 wagers shall be three per centum and such tax on multiple wagers shall
8 be two and one-half per centum, plus twenty per centum of the breaks.

9 For the period September tenth, nineteen hundred ninety-nine through
10 March thirty-first, two thousand one, such tax on all wagers shall be
11 two and six-tenths per centum and for the period April first, two thou-
12 sand one through December thirty-first, two thousand [nineteen] twenty-
13 four, such tax on all wagers shall be one and six-tenths per centum,
14 plus, in each such period, twenty per centum of the breaks. Payment to
15 the New York state thoroughbred breeding and development fund by such
16 franchised corporation shall be one-half of one per centum of total
17 daily on-track pari-mutuel pools resulting from regular, multiple and
18 exotic bets and three per centum of super exotic bets provided, however,
19 that for the period September tenth, nineteen hundred ninety-nine
20 through March thirty-first, two thousand one, such payment shall be
21 six-tenths of one per centum of regular, multiple and exotic pools and
22 for the period April first, two thousand one through December thirty-
23 first, two thousand [nineteen] twenty-four, such payment shall be
24 seven-tenths of one per centum of such pools.

25 § 10. This act shall take effect immediately.

1 Section 1. The racing, pari-mutuel wagering and breeding law is
2 amended by adding a new article XI-A to read as follows:

3 ARTICLE XI-A

4 INTERSTATE COMPACT ON ANTI-DOPING

5 AND DRUG TESTING STANDARDS

6 Section 1113. Purposes.

7 1114. Definitions.

8 1115. Composition and meetings of compact commission.

9 1116. Operation of compact commission.

10 1117. General powers and duties.

11 1118. Other powers and duties.

12 1119. Compact rule making.

13 1120. Status and relationship to member states.

14 1121. Rights and responsibilities of member states.

15 1122. Enforcement of compact.

16 1123. Legal actions against compact.

17 1124. Restrictions on authority.

18 1125. Construction, savings and severability.

19 § 1113. Purposes. The purposes of the compact are:

20 a. To enable member states to act jointly and cooperatively to create
21 more uniform, effective, and efficient breed specific rules and regu-
22 lations relating to the permitted and prohibited use of drugs and medi-
23 cations for the health and welfare of the horse and the integrity of
24 racing, and testing for such substances, in or affecting a member state;
25 and

26 b. To authorize the New York state gaming commission to participate in
27 the compact.

1 § 1114. Definitions. For the purposes of this article, the following
2 terms shall have the following meanings:

3 a. "Compact commission" means the organization of delegates from the
4 member states that is authorized and empowered by the compact to carry
5 out the purposes of the compact;

6 b. "Compact rule" means a rule or regulation adopted by a member state
7 regulating the permitted and prohibited use of drugs and medications for
8 the health and welfare of the horse and the integrity of racing, and
9 testing for such substances, in live pari-mutuel horse racing that
10 occurs in or affects such states;

11 c. "Delegate" means the chairperson of the member state racing commis-
12 sion or similar regulatory body in a state, or such person's designee,
13 who represents the member state, as a voting member of the compact
14 commission and anyone who is serving as such person's alternate;

15 d. "Equine drug rule" means a rule or regulation that relates to the
16 administration of drugs, medications, or other substances to a horse
17 that may participate in live horse racing with pari-mutuel wagering
18 including, but not limited to, the regulation of the permissible use of
19 such substances to ensure the integrity of racing and the health, safety
20 and welfare of race horses, appropriate sanctions for rule violations,
21 and quality laboratory testing programs to detect such substances in the
22 bodily system of a race horse;

23 e. "Live racing" means live horse racing with pari-mutuel wagering;

24 f. "Member state" means each state that has enacted the compact;

25 g. "National industry stakeholder" means a non-governmental organiza-
26 tion that from a national perspective significantly represents one or
27 more categories of participants in live racing and pari-mutuel wagering;

1 h. "Participants in live racing" means all persons who participate in,
2 operate, provide industry services for, or are involved with live racing
3 with pari-mutuel wagering;

4 i. "State" means each of the several states of the United States, the
5 District of Columbia, the Commonwealth of Puerto Rico, and each territo-
6 ry or possession of the United States; and

7 j. "State racing commission" means the state racing commission, or its
8 equivalent, in each member state. Where a member state has more than
9 one, it shall mean all such racing commissions, or their equivalents.

10 § 1115. Composition and meetings of compact commission. The member
11 states shall create and participate in a compact commission as follows:

12 a. The compact shall come into force when enacted by any two eligible
13 states, and shall thereafter become effective as to any other member
14 state that enacts the compact. Any state that has adopted or authorized
15 pari-mutuel wagering or live horse racing shall be eligible to become a
16 party to the compact. A compact rule shall not become effective in a new
17 member state based merely upon it entering the compact.

18 b. The member states hereby create the interstate anti-doping and drug
19 testing standards compact commission, a body corporate and an interstate
20 governmental entity of the member states, to coordinate the rule making
21 actions of each member state racing commission through a compact commis-
22 sion.

23 c. The compact commission shall consist of one delegate, the chair-
24 person of the state racing commission or such person's designee, from
25 each member state. When a delegate is not present to perform any duty in
26 the compact commission, a designated alternate may serve. The person who
27 represents a member state in the compact commission shall serve and
28 perform such duties without compensation or remuneration; provided, that

1 subject to the availability of budgeted funds, each may be reimbursed
2 for ordinary and necessary costs and expenses. The designation of a
3 delegate, including the alternate, shall be effective when written
4 notice has been provided to the compact commission. The delegate,
5 including the alternate, must be a member or employee of the state
6 racing commission.

7 d. The compact delegate from each state shall participate as an agent
8 of the state racing commission. Each delegate shall have the assistance
9 of the state racing commission in regard to all decision making and
10 actions of the state in and through the compact commission.

11 e. Each member state, by its delegate, shall be entitled to one vote
12 in the compact commission. A majority vote of the total number of deleg-
13 ates shall be required to propose a compact rule, receive and distribute
14 any funds, and to adopt, amend, or rescind the by-laws. A compact rule
15 shall take effect in and for each member state when adopted by a super
16 majority vote of eighty percent of the total number of member states.
17 Other compact actions shall require a majority vote of the delegates who
18 are meeting.

19 f. Meetings and votes of the compact commission may be conducted in
20 person or by telephone or other electronic communication. Meetings may
21 be called by the chairperson of the compact commission or by any two
22 delegates. Reasonable notice of each meeting shall be provided to all
23 delegates serving in the compact commission.

24 g. No action may be taken at a compact commission meeting unless there
25 is a quorum, which is either a majority of the delegates in the compact
26 commission, or where applicable, all the delegates from any member
27 states who propose or are voting affirmatively to adopt a compact rule.

1 h. Once effective, the compact shall continue in force and remain
2 binding according to its terms upon each member state; provided that, a
3 member state may withdraw from the compact by repealing the statute that
4 enacted the compact into law. The racing commission of a withdrawing
5 state shall give written notice of such withdrawal to the compact chair-
6 person, who shall notify the member state racing commissions. A with-
7 drawing state shall remain responsible for any unfulfilled obligations
8 and liabilities. The effective date of withdrawal from the compact shall
9 be the effective date of the repeal.

10 § 1116. Operation of compact commission. The compact commission is
11 hereby granted, so that it may be an effective means to pursue and
12 achieve the purposes of each member state in the compact, the power and
13 duty:

14 a. to adopt, amend, and rescind by-laws to govern its conduct, as may
15 be necessary or appropriate to carry out the purposes of the compact; to
16 publish them in a convenient form; and to file a copy of them with the
17 state racing commission of each member state;

18 b. to elect annually from among the delegates, including alternates, a
19 chairperson, vice-chairperson, and treasurer with such authority and
20 duties as may be specified in the by-laws;

21 c. to establish and appoint committees which it deems necessary for
22 the carrying out of its functions, including advisory committees which
23 shall be comprised of national industry stakeholders and organizations
24 and such other persons as may be designated in accordance with the
25 by-laws, to obtain their timely and meaningful input into the compact
26 rule making processes;

27 d. to establish an executive committee, with membership established in
28 the by-laws, which shall oversee the day-to-day activities of compact

1 administration and management by the executive director and staff; hire
2 and fire as may be necessary after consultation with the compact commis-
3 sion; administer and enforce compliance with the provisions, by-laws,
4 and rules of the compact; and perform such other duties as the by-laws
5 may establish;

6 e. to create, appoint, and abolish all those offices, employments, and
7 positions, including an executive director, useful to fulfill its
8 purposes;

9 f. to delegate day-to-day management and administration of its duties,
10 as needed, to an executive director and support staff; and

11 g. to adopt an annual budget sufficient to provide for the payment of
12 the reasonable expenses of its establishment, organization, and ongoing
13 activities; provided, that the budget shall be funded by only voluntary
14 contributions.

15 § 1117. General powers and duties. To allow each member state, as and
16 when it chooses, to achieve the purpose of the compact through joint and
17 cooperative action, the member states are hereby granted the power and
18 duty, by and through the compact commission:

19 a. to act jointly and cooperatively to create a more equitable and
20 uniform pari-mutuel racing and wagering interstate regulatory framework
21 by the adoption of standardized rules for the permitted and prohibited
22 use of drugs and medications for the health, and welfare of the horse
23 and the integrity of racing, including rules governing the use of drugs
24 and medications and drug testing;

25 b. to collaborate with national industry stakeholders and industry
26 organizations, including the Association of Racing Commissioners Inter-
27 national, Inc. and the Racing Medication and Testing Consortium, in the

1 design and implementation of compact rules in a manner that serves the
2 best interests of racing; and

3 c. to propose and adopt breed specific compact equine drugs and medi-
4 cations rules for the health, and welfare of the horse, including rules
5 governing the permitted and prohibited use of drugs and medications and
6 drug testing, which shall have the force and effect of state rules or
7 regulations in the member states, to govern live pari-mutuel horse
8 racing.

9 § 1118. Other powers and duties. The compact commission may exercise
10 such incidental powers and duties as may be necessary and proper for it
11 to function in a useful manner, including but not limited to the power
12 and duty:

13 a. to enter into contracts and agreements with governmental agencies
14 and other persons, including officers and employees of a member state,
15 to provide personal services for its activities and such other services
16 as may be necessary;

17 b. to borrow, accept, and contract for the services of personnel from
18 any state, federal, or other governmental agency, or from any other
19 person or entity;

20 c. to receive information from and to provide information to each
21 member state racing commission, including its officers and staff, on
22 such terms and conditions as may be established in the by-laws;

23 d. to acquire, hold, and dispose of any real or personal property by
24 gift, grant, purchase, lease, license, and similar means and to receive
25 additional funds through gifts, grants, and appropriations;

26 e. when authorized by a compact rule, to conduct hearings and render
27 reports and advisory decisions and orders; and

1 f. to establish in the by-laws the requirements that shall describe
2 and govern its duties to conduct open or public meetings and to provide
3 public access to compact records and information.

4 § 1119. Compact rule making. In the exercise of its rule making
5 authority, the compact commission shall:

6 a. engage in formal rule making pursuant to a process that substan-
7 tially conforms to the Model State Administrative Procedure Act of 1981
8 as amended, as may be appropriate to the actions and operations of the
9 compact commission;

10 b. gather information and engage in discussions with advisory commit-
11 tees, national industry stakeholders, and others, including an opportu-
12 nity for industry organizations to submit input to member state racing
13 commissions on the state level, to foster, promote and conduct a colla-
14 borative approach in the design and advancement of compact rules in a
15 manner that serves the best interests of racing and as established in
16 the by-laws;

17 c. direct the publication in each member state of each equine drug
18 rule proposed by the compact commission, conduct a review of public
19 comments received by each member state racing commission and the compact
20 commission in response to the publication of its rule making proposals,
21 consult with national industry stakeholders and participants in live
22 racing with regard to such process and any revisions to the compact rule
23 proposal, and meet upon the completion of the public comment period to
24 conduct a vote on the adoption of the proposed compact rule as a state
25 rule in the member states; and

26 d. have a standing committee that reviews at least quarterly the
27 participation in and value of compact rules and, when it determines that
28 a revision is appropriate or when requested to by any member state,

1 submits a revising proposed compact rule. To the extent a revision would
2 only add or remove a member state or states from where a compact rule
3 has been adopted, the vote required by this section shall be required of
4 only such state or states. The standing committee shall gather informa-
5 tion and engage in discussions with national industry stakeholders, who
6 may also directly recommend a compact rule proposal or revision to the
7 compact committee.

8 § 1120. Status and relationship to member states. a. The compact
9 commission, as an interstate governmental entity, shall be exempt from
10 all taxation in and by the member states.

11 b. The compact commission shall not pledge the credit of any member
12 state except by and with the appropriate legal authority of that state.

13 c. Each member state shall reimburse or otherwise pay the expenses of
14 its delegate, including any alternate, in the compact commission.

15 d. No member state, except as provided in section eleven hundred twen-
16 ty-three of this article, shall be held liable for the debts or other
17 financial obligations incurred by the compact commission.

18 e. No member state shall have, while it participates in the compact
19 commission, any claim to or ownership of any property held by or vested
20 in the compact commission or to any compact commission funds held pursu-
21 ant to the compact except for state license or other fees or moneys
22 collected by the compact commission as its agent.

23 f. The compact dissolves upon the date of the withdrawal of the member
24 state that reduces membership in the compact to one state. Upon dissol-
25 ution, the compact becomes null and void and shall be of no further
26 force or effect, although equine drug rules adopted through the compact
27 shall remain state rules in each member state that had adopted them, and
28 the business and affairs of the compact shall be concluded and any

1 surplus funds shall be distributed to the former member states in
2 accordance with the by-laws.

3 § 1121. Rights and responsibilities of member states. a. Each member
4 state in the compact shall accept the decisions, duly applicable to it,
5 of the compact commission in regard to compact rules and rule making.

6 b. The compact shall not be construed to diminish or limit the powers
7 and responsibilities of the member state racing commission or similar
8 regulatory body, or to invalidate any action it has previously taken,
9 except to the extent it has, by its compact delegate, expressed its
10 consent to a specific rule or other action of the compact commission.
11 The compact delegate from each state shall serve as the agent of the
12 state racing commission and shall possess substantial knowledge and
13 experience as a regulator or participant in the horse racing industry.

14 § 1122. Enforcement of compact. a. The compact commission shall have
15 standing to intervene in any legal action that pertains to the subject
16 matter of the compact and might affect its powers, duties, or actions.

17 b. The courts and executive in each member state shall enforce the
18 compact and take all actions necessary and appropriate to effectuate its
19 purposes and intent. Compact provisions, by-laws, and rules shall be
20 received by all judges, departments, agencies, bodies, and officers of
21 each member state and its political subdivisions as evidence of them.

22 § 1123. Legal actions against compact. a. Any person may commence a
23 claim, action, or proceeding against the compact commission in state
24 court for damages. The compact commission shall have the benefit of the
25 same limits of liability, defenses, rights to indemnity and defense by
26 the state, and other legal rights and defenses for non-compact matters
27 of the state racing commission in the state. All legal rights and

1 defenses that arise from the compact shall also be available to the
2 compact commission.

3 b. A compact delegate, alternate, or other member or employee of a
4 state racing commission who undertakes compact activities or duties does
5 so in the course of business of their state racing commission, and shall
6 have the benefit of the same limits of liability, defenses, rights to
7 indemnity and defense by the state, and other legal rights and defenses
8 for non-compact matters of state employees in their state. The executive
9 director and other employees of the compact commission shall have the
10 benefit of these same legal rights and defenses of state employees in
11 the member state in which they are primarily employed. All legal rights
12 and defenses that arise from the compact shall also be available to
13 them.

14 c. Each member state shall be liable for and pay judgments filed
15 against the compact commission to the extent related to its partic-
16 ipation in the compact. Where liability arises from action undertaken
17 jointly with other member states, the liability shall be divided equally
18 among the states for whom the applicable action or omission of the exec-
19 utive director or other employees of the compact commission was under-
20 taken; and no member state shall contribute to or pay, or be jointly or
21 severally or otherwise liable for, any part of any judgment beyond its
22 share as determined in accordance with this section.

23 § 1124. Restrictions on authority. a. New York substantive state laws
24 applicable to pari-mutuel horse racing and wagering shall remain in full
25 force and effect.

26 b. Compact rules shall not preclude subsequent rulemaking in New York
27 state on the same or related matter. The most recently adopted rule
28 shall thereby become the governing law.

1 c. New York state shall not participate in or apply this interstate
2 compact to any aspect of standardbred racing.

3 § 1125. Construction, savings and severability. a. The compact shall
4 be liberally construed so as to effectuate its purposes. The provisions
5 of the compact shall be severable and if any phrase, clause, sentence,
6 or provision of the compact is declared to be contrary to the constitu-
7 tion of the United States or of any member state, or the applicability
8 of the compact to any government, agency, person, or circumstance is
9 held invalid, the validity of the remainder of the compact and its
10 applicability to any government, agency, person, or circumstance shall
11 not be affected. If all or some portion of the compact is held to be
12 contrary to the constitution of any member state, the compact shall
13 remain in full force and effect as to the remaining member states and in
14 full force and effect as to the state affected as to all severable
15 matters.

16 b. In the event of any allegation, finding, or ruling against the
17 compact or its procedures or actions, provided that a member state has
18 followed the compact's stated procedures, any rule it purported to adopt
19 using the procedures of this statute shall constitute a duly adopted and
20 valid state rule.

21 § 2. This act shall take effect immediately.

22 PART JJ

23 Section 1. Section 2 of part EE of chapter 59 of the laws of 2018,
24 amending the racing, pari-mutuel wagering and breeding law, relating to
25 adjusting the franchise payment establishing an advisory committee to

1 review the structure, operations and funding of equine drug testing and
2 research, is amended to read as follows:

3 § 2. An advisory committee shall be established within the New York
4 gaming commission comprised of individuals with demonstrated interest in
5 the performance of thoroughbred and standardbred race horses to review
6 the present structure, operations and funding of equine drug testing and
7 research conducted pursuant to article nine of the racing, pari-mutuel
8 wagering and breeding law. Members of the committee, who shall be
9 appointed by the governor, shall include but not be limited to a desig-
10 nee at the recommendation of each licensed or franchised thoroughbred
11 and standardbred racetrack, a designee at the recommendation of each
12 operating regional off-track betting corporation, a designee at the
13 recommendation of each recognized horsemen's organization at licensed or
14 franchised thoroughbred and standardbred racetracks, a designee at the
15 recommendation of both Morrisville State College and the Cornell Univer-
16 sity School of Veterinary Medicine, and two designees each at the recom-
17 mendation of the speaker of the assembly and temporary president of the
18 senate. The governor shall designate the chair from among the members
19 who shall serve as such at the pleasure of the governor. State agencies
20 shall cooperate with and assist the committee in the fulfillment of its
21 duties and may render informational, non-personnel services to the
22 committee within their respective functions as the committee may reason-
23 ably request. Recommendations shall be delivered to the temporary presi-
24 dent of the senate, speaker of the assembly and governor by December 1,
25 [2018] 2019 regarding the future of such research, testing and funding.
26 Members of the board shall not be considered policymakers.

1 § 2. Subdivision 1 of section 902 of the racing, pari-mutuel wagering
2 and breeding law, as amended by chapter 15 of the laws of 2010, is
3 amended to read as follows:

4 1. In order to assure the public's confidence and continue the high
5 degree of integrity in racing at the pari-mutuel betting tracks, equine
6 drug testing at race meetings shall be conducted by a [state college
7 within this state with an approved equine science program] suitable
8 laboratory, as the gaming commission may determine in its discretion.
9 The [state racing and wagering board] gaming commission shall promulgate
10 any rules and regulations necessary to implement the provisions of this
11 section, including administrative penalties of loss of purse money,
12 fines, or denial, suspension[,] or revocation of a license for racing
13 drugged horses.

14 § 3. This act shall take effect immediately.

15 PART KK

16 Section 1. The racing, pari-mutuel wagering and breeding law is
17 amended by adding a new section 104-a to read as follows:

18 § 104-a. Registration to engage in gaming activity. Notwithstanding
19 any provision of law to the contrary, the commission may require any
20 person, corporation or association intending to engage in any gaming
21 activity regulated by the commission to submit a primary registration to
22 the commission.

23 1. For the purposes of this section, when a person is required to
24 submit a registration, any and all licenses, registrations, certif-
25 icates, permits or approvals issued to such person as required under
26 this chapter or under article thirty-four of the tax law shall be

1 considered sub-registrations or sub-licenses to the aforementioned
2 registration. No individual shall engage in any gaming activity without
3 a valid sub-registration or sub-license authorizing such activity.

4 2. The primary registration to engage in gaming activities shall sole-
5 ly be an informational return containing such information the commission
6 deems applicable to all sub-registrations or sub-licenses. The commis-
7 sion shall require separate applications for all sub-registrations or
8 sub-licenses containing all supplemental information that the commission
9 deems necessary.

10 All commission determinations shall be made on an applicant's sub-re-
11 gistration or sub-license and not on the primary registration. Any
12 information obtained for or contained in the primary registration and
13 all associated sub-registrations or sub-licenses may be used in any
14 subsequent licensing and registration determinations.

15 3. Pursuant to the commission's authority granted by subdivisions
16 thirteen and fourteen of section one hundred four of this article, the
17 commission may require a background investigation and a criminal history
18 record search for any primary or sub-registration or sub-license sought.
19 The commission shall have the right to request new information upon
20 submission of any new sub-registration or sub-license application.

21 For the purposes of this section, upon an initial sub-registration or
22 sub-license application and any subsequent sub-applications as may be
23 required by the commission, each applicant shall submit to the commis-
24 sion the applicant's name, address, fingerprints and written consent for
25 criminal history information as defined in paragraph (c) of subdivision
26 one of section eight hundred forty-five-b of the executive law, to be
27 performed. The commission is hereby authorized to exchange fingerprint
28 data with and receive criminal history record information from the state

1 division of criminal justice services and the federal bureau of investi-
2 gation consistent with applicable state and federal laws, rules and
3 regulations. The applicant shall pay the fee for such criminal history
4 information as established pursuant to article thirty-five of the execu-
5 tive law. The state division of criminal justice services shall promptly
6 notify the commission in the event a current or prospective licensee,
7 who was the subject of such criminal history information pursuant to
8 this section, is arrested for a crime or offense in this state after the
9 date the check was performed.

10 4. Primary registrations shall expire five years from the date of
11 submission, provided, however, any sub-registration or sub-license shall
12 continue through its expiration. Notwithstanding this provision, the
13 commission may suspend any sub-registration or sub-license that has an
14 expired primary registration until such primary registration is renewed.
15 The commission shall establish a schedule to register any individual or
16 entity who possessed a sub-registration or sub-license prior to the
17 implementation of this section.

18 5. The commission shall promulgate rules and regulations to implement
19 the provisions of this section and ensure that all licensing and regis-
20 tration requirements of this chapter and article thirty-four of the tax
21 law are adequately addressed in the implementation.

22 § 2. Section 1301 of the racing, pari-mutuel wagering and breeding law
23 is amended by adding a new subdivision 31-a to read as follows:

24 31-a. "Non-gaming employee". Any natural person, not otherwise
25 included in the definition of casino key employee or gaming employee,
26 who is employed by a gaming facility licensee, or a holding or interme-
27 diary company of a gaming facility licensee, and performs services and
28 duties upon the premises of a gaming facility, whose duties do not

1 relate to the operation of gaming activities, and who is not regularly
2 required to work in restricted areas such that registration of a non-
3 gaming employee is appropriate.

4 § 3. Paragraph (c) of subdivision 1 of section 1318 of the racing,
5 pari-mutuel wagering and breeding law, as added by chapter 174 of the
6 laws of 2013, is amended to read as follows:

7 (c) the conviction of the applicant, or of any person required to be
8 qualified under this article as a condition of a license, of any offense
9 in any jurisdiction which is or would be a [felony or other] crime
10 involving public integrity, embezzlement, theft, fraud, [or] perjury,
11 represents a significant threat to public safety, or would otherwise
12 pose a threat to the effective regulation of casino gaming;

13 § 4. Subdivision 4 of section 1322 of the racing, pari-mutuel wagering
14 and breeding law, as added by chapter 174 of the laws of 2013, is
15 amended to read as follows:

16 4. All applicants, licensees, registrants, and any other person who
17 shall be qualified pursuant to this article shall have the continuing
18 duty to provide any assistance or information required by the commis-
19 sion, and to cooperate in any inquiry, investigation or hearing
20 conducted by the commission. If, upon issuance of a formal request to
21 answer or produce information, evidence or testimony, any applicant,
22 licensee, registrant, or any other person who shall be qualified pursu-
23 ant to this article refuses to comply, the application, license, regis-
24 tration or qualification of such person may be suspended, denied or
25 revoked.

26 § 5. Subdivision 3 of section 1323 of the racing, pari-mutuel wagering
27 and breeding law, as added by chapter 174 of the laws of 2013, is
28 amended to read as follows:

1 3. The commission shall deny a casino key employee license to any
2 applicant who is disqualified on the basis of the criteria contained in
3 section [one thousand three] thirteen hundred eighteen of this [title]
4 article, subject to notice and hearing. Provided that, no casino key
5 employee license shall be denied or revoked on the basis of a conviction
6 of any of the offenses enumerated in this article as disqualification
7 criteria or the commission of any act or acts which would constitute any
8 offense under section thirteen hundred eighteen of this article,
9 provided that the applicant has affirmatively demonstrated the appli-
10 cant's rehabilitation, pursuant to article twenty-three-A of the
11 correction law.

12 § 6. Subdivision 4 of section 1323 of the racing, pari-mutuel wagering
13 and breeding law, as added by chapter 174 of the laws of 2013, is
14 amended to read as follows:

15 4. Upon [receipt of such criminal history information] determination
16 that an applicant is disqualified on the basis of the applicant's crimi-
17 nal history, the commission shall provide such applicant with a copy of
18 such criminal history information, together with a copy of article twen-
19 ty-three-A of the correction law, and inform such applicant of his or
20 her right to seek correction of any incorrect information contained in
21 such criminal history information pursuant to regulations and procedures
22 established by the division of criminal justice services. Except as
23 otherwise provided by law, such criminal history information shall be
24 confidential and any person who willfully permits the release of such
25 confidential criminal history information to persons not permitted to
26 receive such information shall be guilty of a misdemeanor.

1 § 7. Section 1324 of the racing, pari-mutuel wagering and breeding
2 law, as added by chapter 174 of the laws of 2013, is amended to read as
3 follows:

4 § 1324. Gaming and non-gaming employee registration. 1. No person may
5 commence employment as a gaming or non-gaming employee unless such
6 person has a valid registration [on file with the] issued by the commis-
7 sion, which registration shall be prepared and filed in accordance with
8 the regulations promulgated hereunder.

9 2. A gaming or non-gaming employee registrant shall produce such
10 information as the commission by regulation may require. [Subsequent to
11 the registration of a gaming employee, the executive director may] The
12 commission may deny, revoke, suspend, limit, or otherwise restrict the
13 registration upon a finding that the registrant is disqualified on the
14 basis of the criteria contained in section [one thousand three] thirteen
15 hundred eighteen of this [title] article. If a gaming or non-gaming
16 employee registrant has not been employed in any position within a
17 gaming facility for a period of three years, the registration of that
18 gaming or non-gaming employee shall lapse.

19 3. No gaming or non-gaming employee registration shall be denied or
20 revoked on the basis of a [misdemeanor] conviction of any of the
21 offenses enumerated in this article as disqualification criteria or the
22 commission of any act or acts which would constitute any offense under
23 section [one thousand three] thirteen hundred eighteen of this [title]
24 article, provided that the registrant has affirmatively demonstrated the
25 registrant's rehabilitation, pursuant to article twenty-three-A of the
26 correction law.

27 4. For the purposes of this section, each gaming or non-gaming regis-
28 trant shall submit to the commission the registrant's name, address,

1 fingerprints and written consent for a criminal history information to
2 be performed. The commission is hereby authorized to exchange finger-
3 print data with and receive criminal history information as defined in
4 paragraph (c) of subdivision one of section eight hundred forty-five-b
5 of the executive law from the state division of criminal justice
6 services and the federal bureau of investigation consistent with appli-
7 cable state and federal laws, rules and regulations. The registrant
8 shall pay the fee for such criminal history information as established
9 pursuant to article thirty-five of the executive law. The state division
10 of criminal justice services shall promptly notify the commission in the
11 event a current or prospective licensee or registrant, who was the
12 subject of a criminal history information pursuant to this section, is
13 arrested for a crime or offense in this state after the date the check
14 was performed.

15 5. Upon [receipt of such criminal history information] determination
16 that an applicant is disqualified on the basis of the applicant's crimi-
17 nal history, the [Commission] commission shall provide such applicant
18 with a copy of such criminal history information, together with a copy
19 of article twenty-three-A of the correction law, and inform such appli-
20 cant of his or her right to seek correction of any incorrect information
21 contained in such criminal history information pursuant to regulations
22 and procedures established by the division of criminal justice services.
23 Except as otherwise provided by law, such criminal history information
24 shall be confidential and any person who willfully permits the release
25 of such confidential criminal history information to persons not permit-
26 ted to receive such information shall be guilty of a misdemeanor.

27 6. Each applicant for a gaming registration shall produce such infor-
28 mation, documentation and assurances as may be required to establish by

1 clear and convincing evidence the applicant's good character, honesty
2 and integrity. Such information shall include data pertaining to charac-
3 ter, reputation, criminal history information and prior associations
4 with gaming operations in any capacity, position, or employment in a
5 jurisdiction that permits such activity.

6 § 8. Section 1325 of the racing, pari-mutuel wagering and breeding
7 law, as added by chapter 174 of the laws of 2013, is amended to read as
8 follows:

9 § 1325. Approval, denial and renewal of employee licenses and regis-
10 trations. 1. Upon the filing of an application for a casino key employee
11 license or gaming employee registration required by this article and
12 after submission of such supplemental information as the commission may
13 require, the commission shall conduct or cause to be conducted such
14 investigation into the qualification of the applicant, and the commis-
15 sion shall conduct such hearings concerning the qualification of the
16 applicant, in accordance with its regulations, as may be necessary to
17 determine qualification for such license or registration. Upon the
18 filing of an application for a non-gaming employee registration, and
19 after submission of such supplemental information as the commission may
20 require, the commission may, in its discretion, conduct or cause to be
21 conducted an investigation into the qualification of such applicant.

22 2. After such investigation, the commission may either deny the appli-
23 cation or grant a license or registration to an applicant whom it deter-
24 mines to be qualified to hold such license or registration. The granting
25 of any such license or registration shall apply only to the job title
26 included in the application and to its associated duties. The commission
27 may, upon request and at its sole discretion, allow transfer of the
28 license or registration to another job title upon determination that the

1 original application would have been satisfactory had it been submitted
2 for the new title.

3 3. The commission shall have the authority to deny any application
4 pursuant to the provisions of this article following notice and opportu-
5 nity for hearing.

6 4. When the commission grants [an application] a license or registra-
7 tion, the commission may limit or place such restrictions thereupon as
8 it may deem necessary in the public interest.

9 5. After an application for a casino key employee license is submit-
10 ted, final action of the commission shall be taken within ninety days
11 after completion of all hearings and investigations and the receipt of
12 all information required by the commission.

13 6. Licenses and registrations of casino key employees and gaming and
14 non-gaming employees issued pursuant to this article shall remain valid
15 for five years unless suspended, revoked or voided pursuant to law. Such
16 licenses and registrations may be renewed by the holder thereof upon
17 application, on a form prescribed by the commission, and payment of the
18 applicable fee. Notwithstanding the [forgoing] foregoing, if a gaming or
19 non-gaming employee registrant has not been employed in any position
20 within a gaming facility for a period of three years, the registration
21 of that gaming or non-gaming employee shall lapse.

22 7. Subsequent to the issuance of a license or registration, the
23 commission may suspend, revoke, or limit the license or registration
24 upon a finding that an applicant is no longer qualified to hold such
25 license or registration in accordance with this article, or as it may
26 deem necessary to protect the public interest, following notice and an
27 opportunity for a hearing. The commission may temporarily suspend a
28 license or registration pending any investigation, prosecution, or hear-

1 ing if it is deemed necessary to do so to protect the integrity of
2 gaming activities.

3 8. The commission shall establish by regulation appropriate fees to be
4 paid upon the filing of the required applications. Such fees shall be
5 deposited into the commercial gaming revenue fund.

6 § 9. Subdivision 3 of section 1326 of the racing, pari-mutuel wagering
7 and breeding law, as added by chapter 174 of the laws of 2013, is
8 amended to read as follows:

9 3. Vendors providing goods and services to gaming facility licensees
10 or applicants ancillary to gaming, including vendors with access to the
11 player database or sensitive player information, vendors with heightened
12 security access or information, and junket enterprises shall be required
13 to be licensed as an ancillary casino vendor enterprise and shall comply
14 with the standards for casino vendor license applicants. The commission
15 may also require any vendor regularly conducting over two hundred fifty
16 thousand dollars of business with a gaming licensee or applicant within
17 a twelve-month period or one hundred thousand dollars of business within
18 a three-month period to be licensed as an ancillary gaming vendor.

19 § 10. Subdivision 4 of section 1326 of the racing, pari-mutuel wager-
20 ing and breeding law, as added by chapter 174 of the laws of 2013, is
21 amended to read as follows:

22 4. Each casino vendor enterprise required to be licensed pursuant to
23 subdivision one of this section, as well as its owners; management and
24 supervisory personnel[; and employees if such employees have responsi-
25 bility for services to a gaming facility applicant or licensee,] must
26 qualify under the standards, except residency, established for quali-
27 fication of a casino key employee under this article. Employees of such
28 vendors that have responsibility for services to a gaming facility

1 applicant or licensee must qualify under the standards established for
2 qualification of a gaming employee registration under this article.

3 Each ancillary casino vendor enterprise required to be licensed pursu-
4 ant to subdivision three of this section, as well as its owners; manage-
5 ment; supervisory personnel and employees that have responsibility for
6 services to a gaming facility applicant or licensee must qualify under
7 the standards established for qualification of a gaming employee regis-
8 tration under this article.

9 § 11. Subdivision 5 of section 1326 of the racing, pari-mutuel wager-
10 ing and breeding law, as added by chapter 174 of the laws of 2013, is
11 amended to read as follows:

12 5. Any vendor that offers goods or services to a gaming facility
13 applicant or licensee in excess of twenty-five thousand dollars within a
14 twelve-month period that is not included in subdivision one [or], two or
15 three of this section including, but not limited to site contractors and
16 subcontractors, shopkeepers located within the facility, gaming schools
17 that possess slot machines for the purpose of instruction, [and any
18 non-supervisory employee of a junket enterprise licensed under subdivi-
19 sion three of this section] vending machine providers, linen suppliers,
20 garbage handlers, maintenance companies, limousine services, and food
21 purveyors, shall be required to register with the commission in accord-
22 ance with the regulations promulgated under this article.

23 Prior to conducting business with any vendor not included in subdivi-
24 sion one or two of this section, which is providing business worth less
25 than the thresholds provided in this subdivision, a gaming facility
26 applicant or licensee shall notify the commission of the intended trans-
27 action, along with any history of transactions with such vendor, to

1 allow for verification that the licensing requirements of this section
2 do not apply.

3 All employees of a vendor registered pursuant to this section that
4 provide services upon the premises of a gaming facility are required to
5 be registered as and meet the standards of a non-gaming employee.

6 Notwithstanding the provisions aforementioned, the executive director
7 may, consistent with the public interest and the policies of this arti-
8 cle, direct that individual vendors registered pursuant to this subdivi-
9 sion be required to apply for either a casino vendor enterprise license
10 pursuant to subdivision one of this section, or an ancillary vendor
11 industry enterprise license pursuant to subdivision three of this
12 section, as directed by the commission. The executive director may also
13 order that any enterprise licensed as or required to be licensed as an
14 ancillary casino vendor enterprise pursuant to subdivision three of this
15 section be required to apply for a casino vendor enterprise license
16 pursuant to subdivision one of this section. The executive director may
17 also, in his or her discretion, order that an independent software
18 contractor not otherwise required to be registered be either registered
19 as a vendor pursuant to this subdivision or be licensed pursuant to
20 either subdivision one or three of this section.

21 [Each ancillary casino vendor enterprise required to be licensed
22 pursuant to subdivision three of this section, as well as its owners,
23 management and supervisory personnel, and employees if such employees
24 have responsibility for services to a gaming facility applicant or
25 licensee, shall establish their good character, honesty and integrity by
26 clear and convincing evidence and shall provide such financial informa-
27 tion as may be required by the commission. Any enterprise required to be
28 licensed as an ancillary casino vendor enterprise pursuant to this

1 section shall be permitted to transact business with a gaming facility
2 licensee upon filing of the appropriate vendor registration form and
3 application for such licensure.]

4 § 12. Subdivision 6 of section 1326 of the racing, pari-mutuel wager-
5 ing and breeding law, as added by chapter 174 of the laws of 2013, is
6 amended to read as follows:

7 6. Any applicant, licensee or qualifier of a casino vendor enterprise
8 license or of an ancillary casino vendor enterprise license under subdi-
9 vision one of this section, and any vendor registrant under subdivision
10 five of this section shall be disqualified in accordance with the crite-
11 ria contained in section [one thousand three] thirteen hundred eighteen
12 of this article, except that no such [ancillary casino vendor enterprise
13 license under subdivision three of this section or vendor registration
14 under subdivision five of this section] applicant, licensee or qualifier
15 shall be denied or revoked if such [vendor registrant] applicant, licen-
16 see or qualifier can affirmatively demonstrate rehabilitation pursuant
17 to article twenty-three-A of the correction law.

18 § 13. Section 1326 of the racing, pari-mutuel wagering and breeding
19 law is amended by adding a new subdivision 11 to read as follows:

20 11. Notwithstanding the preceding subdivisions, the executive director
21 may, in his or her discretion, waive any of the requirements of this
22 section when a gaming facility applicant or licensee can demonstrate
23 that the business relationship with any individual vendor will be limit-
24 ed in scope and duration and that the public interest and the policies
25 of this article would not be diminished by such waiver. In requesting
26 such waiver, the gaming facility applicant or licensee shall provide any
27 and all information needed to make such determination and any and all
28 information needed as a condition of such waiver. The executive director

1 may revoke any such waiver at any time upon a determination that the
2 circumstances upon which such waiver was granted have changed.

3 § 14. This act shall take effect immediately.

4 PART LL

5 Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of
6 section 1306-a of the real property tax law, as amended by section 6 of
7 part N of chapter 58 of the laws of 2011, is amended to read as follows:

8 (i) The tax savings for each parcel receiving the exemption authorized
9 by section four hundred twenty-five of this chapter shall be computed by
10 subtracting the amount actually levied against the parcel from the
11 amount that would have been levied if not for the exemption, provided
12 however, that [beginning with] for the two thousand eleven-two thousand
13 twelve through two thousand eighteen-two thousand nineteen school [year]
14 years, the tax savings applicable to any "portion" (which as used herein
15 shall mean that part of an assessing unit located within a school
16 district) shall not exceed the tax savings applicable to that portion in
17 the prior school year multiplied by one hundred two percent, with the
18 result rounded to the nearest dollar; and provided further that begin-
19 ning with the two thousand nineteen-two thousand twenty school year: (A)
20 for purposes of the exemption authorized by section four hundred twen-
21 ty-five of this chapter, the tax savings applicable to any portion shall
22 not exceed the tax savings for the prior year, and (B) for purposes of
23 the credit authorized by subsection (eee) of section six hundred six of
24 the tax law, the tax savings applicable to any portion shall not exceed
25 the tax savings applicable to that portion in the prior school year
26 multiplied by one hundred two percent, with the result rounded to the

1 nearest dollar. The tax savings attributable to the basic and enhanced
2 exemptions shall be calculated separately. It shall be the responsibil-
3 ity of the commissioner to calculate tax savings limitations for
4 purposes of this subdivision.

5 § 2. Subparagraph (G) of paragraph 1 of subsection (eee) of section
6 606 of the tax law, as amended by section 8 of part A of chapter 73 of
7 the laws of 2016, is amended to read as follows:

8 (G) "STAR tax savings" means the tax savings attributable to the STAR
9 exemption within a portion of a school district, as determined by the
10 commissioner pursuant to subdivision two of section thirteen hundred
11 six-a of the real property tax law for purposes of the credit authorized
12 by this subsection.

13 § 3. This act shall take effect immediately.

14 PART MM

15 Section 1. Section 1405-B of the tax law is amended by adding a new
16 subdivision (c) to read as follows:

17 (c) The information contained within information returns filed under
18 subdivision (b) of this section may be provided by the commissioner to
19 local assessors for use in real property tax administration, and such
20 information shall not be subject to the secrecy provisions set forth in
21 section fourteen hundred eighteen of this chapter, provided, however,
22 that the commissioner shall not disclose social security numbers or
23 employer identification numbers.

24 § 2. This act shall take effect January 1, 2020.

25 PART NN

1 Section 1. Paragraph 3 of subsection (e-1) of section 606 of the tax
 2 law, as added by section 2 of part K of chapter 59 of the laws of 2014,
 3 is amended as follows:

4 (3) Determination of credit. For taxable years after two thousand
 5 thirteen [and prior to two thousand sixteen], the amount of the credit
 6 allowable under this subsection shall be determined as follows:

7 If household gross income	8 Excess real property	9 The credit amount is
10 for the taxable year is:	11 taxes are the excess	12 the following
	13 of real property tax	14 percentage of excess
	15 equivalent or the	16 property taxes:
	17 excess of qualifying	
	18 real property taxes	
	19 over the following	
	20 percentage of	
	21 household gross	
	22 income:	

23 Less than \$100,000	24 4	25 4.5
26 \$100,000 to less than	27 5	28 3.0
29 \$150,000		
30 \$150,000 to less than	31 6	32 1.5
33 \$200,000		

34 Notwithstanding the foregoing provisions, the maximum credit deter-
 35 mined under this subparagraph may not exceed five hundred dollars.

36 § 2. This act shall take effect immediately and shall apply to taxable
 37 years beginning on and after January 1, 2016; provided, however, that
 38 the amendments to subsection (e-1) of section 606 of the tax law made by
 39 section one of this act shall not affect the repeal of such subsection
 40 and shall be deemed to be repealed therewith.

1

PART OO

2 Section 1. Subdivision v of section 233 of the real property law, as
3 amended by chapter 566 of the laws of 1996, is amended to read as
4 follows:

5 v. 1. On and after April first, nineteen hundred eighty-nine, the
6 commissioner of housing and community renewal shall have the power and
7 duty to enforce and ensure compliance with the provisions of this
8 section. However, the commissioner shall not have the power or duty to
9 enforce manufactured home park rules and regulations established under
10 subdivision f of this section.

11 2. On or before January first, nineteen hundred eighty-nine, each
12 manufactured home park owner or operator shall file a registration
13 statement with the commissioner and shall thereafter file an annual
14 registration statement on or before January first of each succeeding
15 year. The commissioner, by regulation, shall provide that such registra-
16 tion statement shall include only the names of all persons owning an
17 interest in the park, the names of all tenants of the park, all services
18 provided by the park owner to the tenants and a copy of all current
19 manufactured home park rules and regulations. The reporting of such
20 information to the commissioner of taxation and finance pursuant to
21 subparagraph (B) of paragraph six of subsection (eee) of section six
22 hundred six of the tax law shall be deemed to satisfy the requirements
23 of this paragraph.

24 3. Whenever there shall be a violation of this section, an application
25 may be made by the commissioner of housing and community renewal in the
26 name of the people of the state of New York to a court or justice having
27 jurisdiction by a special proceeding to issue an injunction, and upon

1 notice to the defendant of not less than five days, to enjoin and
2 restrain the continuance of such violation; and if it shall appear to
3 the satisfaction of the court or justice that the defendant has, in
4 fact, violated this section, an injunction may be issued by such court
5 or justice, enjoining and restraining any further violation and with
6 respect to this subdivision, directing the filing of a registration
7 statement. In any such proceeding, the court may make allowances to the
8 commissioner of housing and community renewal of a sum not exceeding two
9 thousand dollars against each defendant, and direct restitution. When-
10 ever the court shall determine that a violation of this section has
11 occurred, the court may impose a civil penalty of not more than one
12 thousand five hundred dollars for each violation. Such penalty shall be
13 deposited in the manufactured home cooperative fund, created pursuant to
14 section fifty-nine-h of the private housing finance law. In connection
15 with any such proposed application, the commissioner of housing and
16 community renewal is authorized to take proof and make a determination
17 of the relevant facts and to issue subpoenas in accordance with the
18 civil practice law and rules. The provisions of this subdivision shall
19 not impair the rights granted under subdivision u of this section.

20 § 2. Subparagraph (B) of paragraph 6 of subsection (eee) of section
21 606 of the tax law, as amended by section 8 of part A of chapter 73 of
22 the laws of 2016, is amended to read as follows:

23 (B) (i) In the case of property consisting of a mobile home that is
24 described in paragraph (1) of subdivision two of section four hundred
25 twenty-five of the real property tax law, the amount of the credit
26 allowable with respect to such mobile home shall be equal to the basic
27 STAR tax savings for the school district portion, or the enhanced STAR
28 tax savings for the school district portion, whichever is applicable,

1 that would be applied to a separately assessed parcel in the school
2 district portion with a taxable assessed value equal to twenty thousand
3 dollars multiplied by the latest state equalization rate or special
4 equalization rate for the assessing unit in which the mobile home is
5 located. Provided, however, that if the commissioner is in possession of
6 information, including but not limited to assessment records, that
7 demonstrates to the commissioner's satisfaction that the taxpayer's
8 mobile home is worth more than twenty thousand dollars, or if the
9 taxpayer provides the commissioner with such information, the taxpayer's
10 credit shall be increased accordingly, but in no case shall the credit
11 exceed the basic STAR tax savings or enhanced STAR tax savings, whichever
12 is applicable, for the school district portion.

13 (ii) The commissioner may implement an electronic system for the
14 reporting of information by owners and operators of manufactured home
15 parks, as defined by section two hundred thirty-three of the real prop-
16 erty law. Upon the implementation of such a system, each such owner and
17 operator shall file quarterly electronic statements with the commission-
18 er no later than twenty-one days after the end of each calendar quarter.
19 Such statement shall require reporting of names of all persons owning an
20 interest in the park, the services provided by the park owner to the
21 tenants, the names and addresses of all tenants of the park, whether the
22 tenant leases or owns the home, and such additional information as the
23 commissioner may deem necessary for the proper administration of the
24 STAR exemption established pursuant to section four hundred twenty-five
25 of the real property tax law and the STAR credit and any other property
26 tax-based credit established pursuant to this section. In the case of a
27 registration statement for the first calendar quarter of a year, such
28 statement shall also include a copy of all current manufactured home

1 park rules and regulations. The commissioner shall provide the commis-
2 sioner of housing and community renewal with the information contained
3 in each quarterly report no later than thirty days after the receipt
4 thereof.

5 § 3. This act shall take effect immediately.

6 PART PP

7 Section 1. Subparagraph (iv) of paragraph (b) of subdivision 4 of
8 section 425 of the real property tax law, as amended by section 2 of
9 part B of chapter 59 of the laws of 2018, is amended to read as follows:

10 (iv) (A) Effective with applications for the enhanced exemption on
11 final assessment rolls to be completed in two thousand nineteen, the
12 application form shall indicate that all owners of the property and any
13 owners' spouses residing on the premises must have their income eligi-
14 bility verified annually by the department and must furnish their
15 taxpayer identification numbers in order to facilitate matching with
16 records of the department. The income eligibility of such persons shall
17 be verified annually by the department, and the assessor shall not
18 request income documentation from them. All applicants for the enhanced
19 exemption and all assessing units shall be required to participate in
20 this program, which shall be known as the STAR income verification
21 program.

22 (B) Effective with final assessment rolls to be completed in two thou-
23 sand twenty, the commissioner shall also annually verify the eligibility
24 of such persons for the enhanced exemption on the basis of age and resi-
25 dency as well as income.

1 (C) Where the commissioner finds that the enhanced exemption should be
2 replaced with a basic exemption because [the income limitation applica-
3 ble to the enhanced exemption has been exceeded] the property is only
4 eligible for a basic exemption, he or she shall provide the property
5 owners with notice and an opportunity to submit to the commissioner
6 evidence to the contrary. Where the commissioner finds that the enhanced
7 exemption should be removed or denied without being replaced with a
8 basic exemption because [the income limitation applicable to the basic
9 exemption has also been exceeded] the property is not eligible for
10 either exemption, he or she shall provide the property owners with
11 notice and an opportunity to submit to the commissioner evidence to the
12 contrary. In either case, if the owners fail to respond to such notice
13 within forty-five days from the mailing thereof, or if their response
14 does not show to the commissioner's satisfaction that the property is
15 eligible for the exemption claimed, the commissioner shall direct the
16 assessor or other person having custody or control of the assessment
17 roll or tax roll to either replace the enhanced exemption with a basic
18 exemption, or to remove or deny the enhanced exemption without replacing
19 it with a basic exemption, as appropriate. The commissioner shall
20 further direct such person to correct the roll accordingly. Such a
21 directive shall be binding upon the assessor or other person having
22 custody or control of the assessment roll or tax roll, and shall be
23 implemented by such person without the need for further documentation or
24 approval.

25 [(C)] (D) Notwithstanding any provision of law to the contrary,
26 neither an assessor nor a board of assessment review has the authority
27 to consider an objection to the replacement or removal or denial of an
28 exemption pursuant to this subdivision, nor may such an action be

1 reviewed in a proceeding to review an assessment pursuant to title one
2 or one-A of article seven of this chapter. Such an action may only be
3 challenged before the department. If a taxpayer is dissatisfied with the
4 department's final determination, the taxpayer may appeal that determi-
5 nation to the state board of real property tax services in a form and
6 manner to be prescribed by the commissioner. Such appeal shall be filed
7 within forty-five days from the issuance of the department's final
8 determination. If dissatisfied with the state board's determination, the
9 taxpayer may seek judicial review thereof pursuant to article seventy-
10 eight of the civil practice law and rules. The taxpayer shall otherwise
11 have no right to challenge such final determination in a court action,
12 administrative proceeding or any other form of legal recourse against
13 the commissioner, the department, the state board of real property tax
14 services, the assessor or other person having custody or control of the
15 assessment roll or tax roll regarding such action.

16 § 2. Paragraph (c) of subdivision 13 of section 425 of the real prop-
17 erty tax law, as amended by section 1 of part J of chapter 57 of the
18 laws of 2013, is amended, and a new paragraph (f) is added to read as
19 follows:

20 (c) Additional consequences. A penalty tax may be imposed pursuant to
21 this subdivision whether or not the improper exemption has been revoked
22 in the manner provided by this section. In addition, a person or persons
23 who are found to have made a material misstatement shall be disqualified
24 from further exemption pursuant to this section, and from the credit
25 authorized by subsection (eee) of section six hundred six of the tax
26 law, for a period of [five years if such misstatement appears on an
27 application filed prior to October first, two thousand thirteen, and]
28 six years [if such misstatement appears on an application filed there-

1 after]. In addition, such person or persons may be subject to prose-
2 cution pursuant to the penal law.

3 (f) Assessor notification. The assessor shall inform the commissioner
4 whenever a person or persons is found to have made a material misstate-
5 ment on an application for the exemption authorized by this section.

6 § 3. Paragraph (13) of subsection (eee) of section 606 of the tax law
7 is amended by adding a new subparagraph (E) to read as follows:

8 (E) A taxpayer who is found to have made a material misstatement on an
9 application for the credit authorized by this section shall be disquali-
10 fied from receiving such credit for six years. As used herein, the term
11 "material misstatement" shall have the same meaning as set forth in
12 paragraph (a) of subdivision thirteen of section four hundred twenty-
13 five of the real property tax law.

14 § 4. Subparagraph (E) of paragraph (10) of subsection (eee) of section
15 606 of the tax law, as amended by section 8 of part A of chapter 73 of
16 the laws of 2016, is amended to read as follows:

17 (E) If the commissioner determines after issuing an advance payment
18 that it was issued in an excessive amount or to an ineligible or incor-
19 rect party, the commissioner shall be empowered to utilize any of the
20 procedures for collection, levy and lien of personal income tax set
21 forth in this article, any other relevant procedures referenced within
22 the provisions of this article, and any other law as may be applicable,
23 to recoup the improperly issued amount; provided that in the event such
24 party was determined to be ineligible on the basis that his or her
25 primary residence received the STAR exemption in the associated fiscal
26 year, the improperly issued credit amount shall be deemed a clerical
27 error and shall be paid upon notice and demand without the issuance of a

1 notice of deficiency and shall be assessed, collected and paid in the
2 same manner as taxes.

3 § 5. This act shall take effect immediately.

4 PART QQ

5 Section 1. Section 425 of the real property tax law is amended by
6 adding a new subdivision 17 to read as follows:

7 17. Certain disclosures authorized. (a) Notwithstanding any provision
8 of law to the contrary, when the commissioner has determined that the
9 owner or owners of a parcel of real property are ineligible for either
10 the STAR exemption authorized by this section or the STAR credit author-
11 ized by subsection (eee) of section six hundred six of the tax law, the
12 commissioner may disclose the names of such owner or owners to the
13 assessor of the assessing unit in which the property is located. In
14 addition:

15 (i) Where the commissioner has found that the STAR exemption or credit
16 could not be granted because the income of the owner or owners is above
17 the applicable limit, the commissioner may so advise the assessor, but
18 shall not disclose the amount of income of any such owner or owners.

19 (ii) Where the commissioner has found that the STAR exemption or cred-
20 it could not be granted because the property is not the primary resi-
21 dence of one or more of the owners thereof, or that the owner's spouse
22 is receiving a STAR exemption or STAR credit on another residence or a
23 comparable benefit on a residence in another state, the commissioner may
24 so advise the assessor. The commissioner may further advise the assessor
25 of the facts supporting that determination, including the location or
26 locations of the property owner's other residence or residences, if any.

1 (iii) Where the commissioner has found that the enhanced STAR
2 exemption or credit could not be granted because the owner or owners do
3 not meet the applicable age requirement, the commissioner may so advise
4 the assessor, and may further advise the assessor of their birth dates
5 if known.

6 (iv) Where the commissioner has found that the enhanced STAR exemption
7 or credit could not be granted because the owner or owners failed to
8 enroll in the income verification program or failed to submit the income
9 worksheet required thereunder, the commissioner may so advise the asses-
10 sor.

11 (b) Information disclosed to an assessor pursuant to this subdivision
12 shall be used only for purposes of real property tax administration. It
13 shall be deemed confidential otherwise, and shall not be subject to the
14 provisions of article six of the public officers law.

15 § 2. Section 467 of the real property tax law is amended by adding a
16 new subdivision 11 to read as follows:

17 11. (a) Notwithstanding any provision of law to the contrary, upon the
18 request of an assessor, the commissioner may disclose to the assessor
19 the names and addresses of the owners of property in that assessor's
20 assessing unit who are receiving the enhanced STAR exemption or enhanced
21 STAR credit and whose federal adjusted gross income is less than the
22 uppermost amount specified by subparagraph three of paragraph (b) of
23 subdivision one of this section (represented therein as M + \$8,400).
24 Such amount shall be determined without regard to any local options that
25 the municipal corporation may or may not have exercised in relation to
26 increasing or decreasing the maximum income eligibility level authorized
27 by this section, provided that the amount so determined for a city with
28 a population of one million or more shall take into account the distinct

1 maximum income eligibility level established for such city by paragraph
2 (a) of subdivision three of this section. In no case shall the commis-
3 sioner disclose to an assessor the amount of an owner's federal adjusted
4 gross income.

5 (b) The assessor may use the information contained in such a report to
6 contact those owners who are not already receiving the exemption author-
7 ized by this section and to suggest that they consider applying for it.
8 Provided, however, that nothing contained herein shall be construed as
9 enabling any person or persons to qualify for the exemption authorized
10 by this section on the basis of their federal adjusted gross income,
11 rather than on the basis of their income as determined pursuant to the
12 provisions of paragraph (a) of subdivision three of this section.

13 (c) Information disclosed to an assessor pursuant to this subdivision
14 shall be used only for purposes of real property tax administration. It
15 shall be deemed confidential otherwise, and shall not be subject to the
16 provisions of article six of the public officers law.

17 § 3. Section 1532 of the real property tax law is amended by adding a
18 new subdivision 5 to read as follows:

19 5. Information regarding decedents provided by the commissioner to a
20 county director of real property tax services pursuant to subsection (c)
21 of section six hundred fifty-one of the tax law shall be used only for
22 purposes of real property tax administration. The contents of the report
23 may be shared with the assessor and tax collecting officer of the munic-
24 ipal corporation in which the decedent's former residence is located,
25 and with the enforcing officer if such residence is subject to delin-
26 quent taxes. The information shall be deemed confidential otherwise, and
27 shall not be subject to the provisions of article six of the public
28 officers law.

1 § 4. Subsection (c) of section 651 of the tax law, as amended by chap-
2 ter 783 of the laws of 1962, is amended to read as follows:

3 (c) Decedents. The return for any deceased individual shall be made
4 and filed by his executor, administrator, or other person charged with
5 his property. If a final return of a decedent is for a fractional part
6 of a year, the due date of such return shall be the fifteenth day of the
7 fourth month following the close of the twelve-month period which began
8 with the first day of such fractional part of the year. Notwithstanding
9 any provision of law to the contrary, when a return has been filed for a
10 decendent, the commissioner may disclose the decedent's name, address,
11 and the date of death to the director of real property tax services of
12 the county in which the address reported on such return is located.

13 § 5. This act shall take effect immediately.

14 PART RR

15 Section 1. Paragraph (b-1) of subdivision 3 of section 425 of the real
16 property tax law, as added by section 1 of part FF of chapter 57 of the
17 laws of 2010, is amended to read as follows:

18 (b-1) Income. For final assessment rolls to be used for the levy of
19 taxes for the two thousand eleven-two thousand twelve through two thou-
20 sand eighteen-two thousand nineteen school [year and thereafter] years,
21 the parcel's affiliated income may be no greater than five hundred thou-
22 sand dollars, as determined by the commissioner [of taxation and
23 finance] pursuant to subdivision fourteen of this section or section one
24 hundred seventy-one-u of the tax law, in order to be eligible for the
25 basic exemption authorized by this section. Beginning with the two thou-
26 sand nineteen-two thousand twenty school year, for purposes of the

1 exemption authorized by this section, the parcel's affiliated income may
2 be no greater than two hundred fifty thousand dollars, as so determined.
3 As used herein, the term "affiliated income" shall mean the combined
4 income of all of the owners of the parcel who resided primarily thereon
5 on the applicable taxable status date, and of any owners' spouses resid-
6 ing primarily thereon. For exemptions on final assessment rolls to be
7 used for the levy of taxes for the two thousand eleven-two thousand
8 twelve school year, affiliated income shall be determined based upon the
9 parties' incomes for the income tax year ending in two thousand nine. In
10 each subsequent school year, the applicable income tax year shall be
11 advanced by one year. The term "income" as used herein shall have the
12 same meaning as in subdivision four of this section.

13 § 2. Subparagraph (A) of paragraph 3 of subsection (eee) of section
14 606 of the tax law, as added by section 8 of part A of chapter 73 of the
15 laws of 2016, is amended to read as follows:

16 (A) Beginning with taxable years after two thousand fifteen, a basic
17 STAR credit shall be available to a qualified taxpayer if the affiliated
18 income of the parcel that serves as the taxpayer's primary residence is
19 less than or equal to five hundred thousand dollars. The income limit
20 established for the basic STAR exemption by paragraph (b-1) of subdivi-
21 sion three of section four hundred twenty-five of the real property tax
22 law shall not be taken into account when determining eligibility for the
23 basic STAR credit.

24 § 3. This act shall take effect immediately.

1 Section 1. Subdivision 6 of section 1306-a of the real property tax
2 law, as amended by section 3 of part TT of chapter 59 of the laws of
3 2017, is amended to read as follows:

4 6. When the commissioner determines, at least twenty days prior to the
5 levy of school district taxes, that an advance credit of the personal
6 income tax credit authorized by subsection (eee) of section six hundred
7 six of the tax law will be provided to the owners of a parcel in that
8 school district, he or she shall so notify the assessor, the county
9 director of real property tax services, and the authorities of the
10 school district, who shall cause a statement to be placed on the tax
11 bill for the parcel in substantially the following form: "An estimated
12 STAR check has been or will be mailed to you [upon issuance] by the NYS
13 Tax Department. Any overpayment or underpayment can be reconciled on
14 your next tax return or STAR credit check."

15 Notwithstanding any provision of law to the contrary, in the event
16 that the parcel in question had been granted a STAR exemption on the
17 assessment roll upon which school district taxes are to be levied, such
18 exemption shall be deemed null and void, shall be removed from the
19 assessment roll, and shall be disregarded when the parcel's tax liabil-
20 ity is determined. The assessor or other local official or officials
21 having custody and control of the data file used to generate school
22 district tax rolls and tax bills shall be authorized and directed to
23 change such file as necessary to enable the school district authorities
24 to discharge the duties imposed upon them by this subdivision.

25 § 2. This act shall take effect immediately.

1 Section 1. Paragraph (a-2) of subdivision 6 of section 425 of the real
2 property tax law, as added by section 1 of part D of chapter 60 of the
3 laws of 2016, is amended to read as follows:

4 (a-2) Notwithstanding any provision of law to the contrary, where [a
5 renewal] an application for the "enhanced" STAR exemption authorized by
6 subdivision four of this section has not been filed on or before the
7 taxable status date, and the owner believes that good cause existed for
8 the failure to file the [renewal] application by that date, the owner
9 may, no later than the last day for paying school taxes without incur-
10 ring interest or penalty, submit a written request to the commissioner
11 asking him or her to extend the filing deadline and grant the exemption.
12 Such request shall contain an explanation of why the deadline was
13 missed, and shall be accompanied by [a renewal] an application, reflect-
14 ing the facts and circumstances as they existed on the taxable status
15 date. After consulting with the assessor, the commissioner may extend
16 the filing deadline and grant the exemption if the commissioner is
17 satisfied that (i) good cause existed for the failure to file the
18 [renewal] application by the taxable status date, and that (ii) the
19 applicant is otherwise entitled to the exemption. The commissioner shall
20 mail notice of his or her determination to such owner and the assessor.
21 If the determination states that the commissioner has granted the
22 exemption, the assessor shall thereupon be authorized and directed to
23 correct the assessment roll accordingly, or, if another person has
24 custody or control of the assessment roll, to direct that person to make
25 the appropriate corrections. If the correction is not made before school
26 taxes are levied, the [failure to take the exemption into account in the
27 computation of the tax shall be deemed a "clerical error" for purposes
28 of title three of article five of this chapter, and shall be corrected

1 accordingly] school district authorities shall be authorized and
2 directed to take account of the fact that the commissioner has granted
3 the exemption by correcting the applicant's tax bill and/or issuing a
4 refund accordingly.

5 § 2. Paragraph (d) of subdivision 2 of section 496 of the real proper-
6 ty tax law, as added by section 3 of part A of chapter 60 of the laws of
7 2016, is amended to read as follows:

8 (d) If the applicant is renouncing a STAR exemption in order to quali-
9 fy for the personal income tax credit authorized by subsection (eee) of
10 section six hundred six of the tax law, and no other exemptions are
11 being renounced on the same application, or if the applicant is renounc-
12 ing a STAR exemption before school taxes have been levied on the assess-
13 ment roll upon which that exemption appears, no processing fee shall be
14 applicable.

15 § 3. Paragraph (a) of subdivision 2 of section 496 of the real proper-
16 ty tax law, as amended by section 3 of part A of chapter 60 of the laws
17 of 2016, is amended to read as follows:

18 (a) For each assessment roll on which the renounced exemption appears,
19 the assessed value that was exempted shall be multiplied by the tax rate
20 or rates that were applied to that assessment roll, or in the case of a
21 renounced STAR exemption, the tax savings calculated pursuant to subdi-
22 vision two of section thirteen hundred six-a of this chapter. Interest
23 shall then be added to each such product at the rate prescribed by
24 section nine hundred twenty-four-a of this chapter or such other law as
25 may be applicable for each month or portion thereon since the levy of
26 taxes upon such assessment roll.

1 § 4. Paragraph 5 of subsection (eee) of section 606 of the tax law, as
2 amended by section 8 of part A of chapter 73 of the laws of 2016, is
3 amended to read as follows:

4 (5) Disqualification. A taxpayer shall not qualify for the credit
5 authorized by this subsection if the parcel that serves as the taxpay-
6 er's primary residence received the STAR exemption on the assessment
7 roll upon which school district taxes for the associated fiscal year
8 [where] were levied. Provided, however, that the taxpayer may remove
9 this disqualification by renouncing the exemption [and making any
10 required payments] by December thirty-first of the taxable year, as
11 provided by subdivision sixteen of section four hundred twenty-five of
12 the real property tax law, and making any required payments within the
13 time frame prescribed by section four hundred ninety-six of the real
14 property tax law.

15 § 5. This act shall take effect immediately.

16 PART UU

17 Section 1. The article heading of article 13-F of the public health
18 law, as amended by chapter 448 of the laws of 2012, is amended to read
19 as follows:

20 REGULATION OF TOBACCO PRODUCTS,
21 VAPOR PRODUCTS, ELECTRONIC CIGARETTES,
22 HERBAL CIGARETTES AND SMOKING
23 PARAPHERNALIA; DISTRIBUTION TO [MINORS] PERSONS UNDER THE
24 AGE OF TWENTY-ONE

25 § 2. Subdivisions 1 and 4 of section 1399-aa of the public health law,
26 subdivision 1 as amended by chapter 13 of the laws of 2003, and subdivi-

1 sion 4 as added by chapter 799 of the laws of 1992, are amended and six
2 new subdivisions 14, 15, 16, 17, 18 and 19 are added to read as follows:

3 1. "Enforcement officer" means the enforcement officer designated
4 pursuant to article thirteen-E of this chapter to enforce such article
5 and hold hearings pursuant thereto; provided that in a city with a popu-
6 lation of more than one million it shall also mean an officer or employ-
7 ee or any agency of such city that is authorized to enforce any local
8 law of such city related to the regulation of the sale of tobacco
9 products to [minors] persons under the age of twenty-one.

10 4. "Private club" means an organization with no more than an insignif-
11 icant portion of its membership comprised of people under the age of
12 [eighteen] twenty-one years that regularly receives dues and/or payments
13 from its members for the use of space, facilities and services.

14 14. "Price reduction instrument" means any coupon, voucher, rebate,
15 card, paper, note, form, statement, ticket, image, or other issue,
16 whether in paper, digital, or any other form, used for commercial
17 purposes to receive an article, product, service, or accommodation with-
18 out charge or at a discounted price.

19 15. "Dealer" means a dealer, as defined in section four hundred seven-
20 ty of the tax law or a vapor products dealer as defined in section elev-
21 en hundred eighty of the tax law.

22 16. "Vapor product" means any noncombustible liquid or gel, regardless
23 of the presence of nicotine therein, that is manufactured into a
24 finished product for use in an electronic cigarette, electronic cigar,
25 electronic cigarillo, electronic pipe, vaping pen, hookah pen or other
26 similar device. "Vapor product" shall not include any product approved
27 by the United States food and drug administration as a drug or medical

1 device, or manufactured and dispensed pursuant to title five-A of arti-
2 cle thirty-three of the public health law.

3 17. "Tobacco and vapor products menu" means a booklet, pamphlet, or
4 other listing of tobacco products, herbal cigarettes, vapor products,
5 and electronic cigarettes offered for sale by the dealer and the price
6 of such products. The tobacco and vapor products menu may contain
7 pictures of and advertisements for tobacco products, herbal cigarettes,
8 vapor products and electronic cigarettes.

9 18. "Menu cover page" means the front cover of a tobacco and vapor
10 products menu or, if there is no front cover, the first page of a tobac-
11 co and vapor products menu.

12 19. "Characterizing flavor" means a distinguishable taste or aroma,
13 other than the taste or aroma of tobacco or menthol, imparted either
14 prior to or during consumption of a tobacco product, electronic ciga-
15 rettes and vapor products or component thereof, including, but not
16 limited to, tastes or aromas relating to any fruit, chocolate, vanilla,
17 honey, candy, cocoa, dessert, alcoholic beverage, herb or spice.

18 § 3. Section 1399-bb of the public health law, as amended by chapter
19 508 of the laws of 2000, the section heading and subdivisions 4 and 5 as
20 amended by chapter 4 of the laws of 2018 and subdivision 2 as amended by
21 chapter 13 of the laws of 2003, is amended to read as follows:

22 § 1399-bb. Distribution of tobacco products, vapor products, electron-
23 ic cigarettes or herbal cigarettes without charge. 1. No person engaged
24 in the business of selling or otherwise distributing tobacco products,
25 vapor products, electronic cigarettes or herbal cigarettes for commer-
26 cial purposes, or any agent or employee of such person, shall knowingly,
27 in furtherance of such business:

1 (a) distribute without charge any tobacco products or herbal ciga-
2 rettes to any individual, provided that the distribution of a package
3 containing tobacco products or herbal cigarettes in violation of this
4 subdivision shall constitute a single violation without regard to the
5 number of items in the package; or

6 (b) distribute [coupons] price reduction instruments which are redeem-
7 able for tobacco products [or], herbal cigarettes, vapor products, or
8 electronic cigarettes to any individual, provided that this subdivision
9 shall not apply to coupons contained in newspapers, magazines or other
10 types of publications, coupons obtained through the purchase of tobacco
11 products [or], herbal cigarettes, vapor products, or electronic ciga-
12 rettes or obtained at locations which sell tobacco products [or], herbal
13 cigarettes, vapor products, or electronic cigarettes provided that such
14 distribution is confined to a designated area or to coupons sent through
15 the mail.

16 1-a. No person engaged in the business of selling or otherwise
17 distributing tobacco products, herbal cigarettes, vapor products, or
18 electronic cigarettes for commercial purposes, or any agent or employee
19 of such person, shall knowingly, in furtherance of such business:

20 (a) honor or accept a price reduction instrument in any transaction
21 related to the sale of tobacco products, herbal cigarettes, vapor
22 products, or electronic cigarettes to a consumer;

23 (b) sell or offer for sale tobacco products, herbal cigarettes, vapor
24 products, or electronic cigarettes to a consumer through any multi-pack-
25 age discount or otherwise provide to a consumer any tobacco products,
26 herbal cigarettes, vapor products, electronic cigarettes for less than
27 the listed price in exchange for the purchase of any other tobacco

1 products, herbal cigarettes, vapor products, or electronic cigarettes by
2 the consumer;

3 (c) sell, offer for sale, or otherwise provide any product other than
4 tobacco products, herbal cigarettes, vapor products, or electronic ciga-
5 rettes to a consumer for less than the listed price in exchange for the
6 purchase of tobacco products, herbal cigarettes, vapor products, or
7 electronic cigarettes by the consumer; or

8 (d) sell, offer for sale, or otherwise provide tobacco products,
9 herbal cigarettes, vapor products, or electronic cigarettes to a consum-
10 er for less than the listed price.

11 2. The prohibitions contained in subdivision one of this section shall
12 not apply to the following locations:

13 (a) private social functions when seating arrangements are under the
14 control of the sponsor of the function and not the owner, operator,
15 manager or person in charge of such indoor area;

16 (b) conventions and trade shows; provided that the distribution is
17 confined to designated areas generally accessible only to persons over
18 the age of [eighteen] twenty-one;

19 (c) events sponsored by tobacco [or], herbal cigarette, vapor
20 products, or electronic cigarette manufacturers provided that the
21 distribution is confined to designated areas generally accessible only
22 to persons over the age of [eighteen] twenty-one;

23 (d) bars as defined in subdivision one of section thirteen hundred
24 ninety-nine-n of this chapter;

25 (e) tobacco businesses as defined in subdivision eight of section
26 thirteen hundred ninety-nine-aa of this article;

27 (f) factories as defined in subdivision nine of section thirteen
28 hundred ninety-nine-aa of this article and construction sites; provided

1 that the distribution is confined to designated areas generally accessi-
2 ble only to persons over the age of [eighteen] twenty-one.

3 3. No person shall distribute tobacco products [or], herbal
4 cigarettes, vapor products, or electronic cigarettes at the locations
5 set forth in paragraphs (b), (c) and (f) of subdivision two of this
6 section unless such person gives five days written notice to the
7 enforcement officer.

8 4. No person engaged in the business of selling or otherwise distrib-
9 uting vapor products or electronic cigarettes for commercial purposes,
10 or any agent or employee of such person, shall knowingly, in furtherance
11 of such business, distribute without charge any vapor products or elec-
12 tronic cigarettes to any individual under [eighteen] twenty-one years of
13 age.

14 5. The distribution of tobacco products or herbal cigarettes pursuant
15 to subdivision two of this section or the distribution without charge of
16 vapor products or electronic cigarettes shall be made only to an indi-
17 vidual who demonstrates, through (a) a driver's license or [other photo-
18 graphic] non-driver's identification card issued by [a government entity
19 or educational institution] the commissioner of motor vehicles, the
20 federal government, any United States territory, commonwealth or
21 possession, the District of Columbia, a state government within the
22 United States or a provincial government of the dominion of Canada, or
23 (b) a valid passport issued by the United States government or any other
24 country, or (c) an identification card issued by the armed forces of the
25 United States, indicating that the individual is at least [eighteen]
26 twenty-one years of age. Such identification need not be required of any
27 individual who reasonably appears to be at least [twenty-five] thirty
28 years of age; provided, however, that such appearance shall not consti-

1 tute a defense in any proceeding alleging the sale of a tobacco product,
2 vapor product, electronic cigarette or herbal cigarette or the distrib-
3 ution without charge of vapor products or electronic cigarettes to an
4 individual under twenty-one years of age.

5 § 4. The opening paragraph of section 1399-cc of the public health
6 law, as amended by chapter 542 of the laws of 2014, is amended to read
7 as follows:

8 Sale of tobacco products, herbal cigarettes, [liquid nicotine] vapor
9 products, electronic cigarettes, shisha, rolling papers or smoking
10 paraphernalia to [minors] persons under the age of twenty-one is prohib-
11 ited.

12 § 5. Paragraph (e) of subdivision 1 of section 1399-cc of the public
13 health law is REPEALED.

14 § 6. Subdivisions 2, 3, 4 and 7 of section 1399-cc of the public
15 health law, as amended by chapter 542 of the laws of 2014, are amended
16 to read as follows:

17 2. Any person operating a place of business wherein tobacco products,
18 herbal cigarettes, [liquid nicotine] vapor products, shisha or electron-
19 ic cigarettes, are sold or offered for sale is prohibited from selling
20 such products, herbal cigarettes, [liquid nicotine] vapor products,
21 shisha, electronic cigarettes or smoking paraphernalia to individuals
22 under [eighteen] twenty-one years of age, and shall post in a conspicu-
23 ous place a sign upon which there shall be imprinted the following
24 statement, "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBAC-
25 CO, SHISHA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, [LIQUID NICO-
26 TINE] VAPOR PRODUCTS, ELECTRONIC CIGARETTES, ROLLING PAPERS OR SMOKING
27 PARAPHERNALIA, TO PERSONS UNDER [EIGHTEEN] TWENTY-ONE YEARS OF AGE IS

1 PROHIBITED BY LAW." Such sign shall be printed on a white card in red
2 letters at least one-half inch in height.

3 3. Sale of tobacco products, herbal cigarettes, [liquid nicotine]
4 vapor products, shisha or electronic cigarettes in such places, other
5 than by a vending machine, shall be made only to an individual who
6 demonstrates, through (a) a valid driver's license or non-driver's iden-
7 tification card issued by the commissioner of motor vehicles, the feder-
8 al government, any United States territory, commonwealth or possession,
9 the District of Columbia, a state government within the United States or
10 a provincial government of the dominion of Canada, or (b) a valid pass-
11 port issued by the United States government or any other country, or (c)
12 an identification card issued by the armed forces of the United States,
13 indicating that the individual is at least [eighteen] twenty-one years
14 of age. Such identification need not be required of any individual who
15 reasonably appears to be at least [twenty-five] thirty years of age,
16 provided, however, that such appearance shall not constitute a defense
17 in any proceeding alleging the sale of a tobacco product, herbal ciga-
18 rettes, [liquid nicotine] vapor products, shisha or electronic ciga-
19 rettes to an individual under [eighteen] twenty-one years of age.

20 4. (a) Any person operating a place of business wherein tobacco
21 products, herbal cigarettes, [liquid nicotine] vapor products, shisha or
22 electronic cigarettes are sold or offered for sale may perform a trans-
23 action scan as a precondition for such purchases.

24 (b) In any instance where the information deciphered by the trans-
25 action scan fails to match the information printed on the driver's
26 license or non-driver identification card, or if the transaction scan
27 indicates that the information is false or fraudulent, the attempted
28 transaction shall be denied.

1 (c) In any proceeding pursuant to section thirteen hundred ninety-
2 nine-ee of this article, it shall be an affirmative defense that such
3 person had produced a driver's license or non-driver identification card
4 apparently issued by a governmental entity, successfully completed that
5 transaction scan, and that the tobacco product, herbal cigarettes or
6 [liquid nicotine] vapor products had been sold, delivered or given to
7 such person in reasonable reliance upon such identification and trans-
8 action scan. In evaluating the applicability of such affirmative defense
9 the commissioner shall take into consideration any written policy
10 adopted and implemented by the seller to effectuate the provisions of
11 this chapter. Use of a transaction scan shall not excuse any person
12 operating a place of business wherein tobacco products, herbal ciga-
13 rettes, [liquid nicotine] vapor products, shisha or electronic ciga-
14 rettes are sold, or the agent or employee of such person, from the exer-
15 cise of reasonable diligence otherwise required by this chapter.
16 Notwithstanding the above provisions, any such affirmative defense shall
17 not be applicable in any civil or criminal proceeding, or in any other
18 forum.

19 7. (a) No person operating a place of business wherein tobacco
20 products, herbal cigarettes, [liquid nicotine] vapor products, shisha or
21 electronic cigarettes are sold or offered for sale shall sell, permit to
22 be sold, offer for sale or display for sale any tobacco product, herbal
23 cigarettes, [liquid nicotine] vapor products, shisha or electronic ciga-
24 rettes in any manner, unless such products and cigarettes are stored for
25 sale [(a)] (i) behind a counter in an area accessible only to the
26 personnel of such business, or [(b)] (ii) in a locked container;
27 provided, however, such restriction shall not apply to tobacco busi-
28 nesses, as defined in subdivision eight of section thirteen hundred

1 ninety-nine-aa of this article, and to places to which admission is
2 restricted to persons [eighteen] twenty-one years of age or older.

3 (b) In addition to the requirements set forth in paragraph (a) of this
4 subdivision, no dealer shall permit the display of any tobacco product,
5 herbal cigarette, vapor product, or electronic cigarette in a manner
6 that permits a consumer to view any such item prior to purchase. Except
7 as provided for in paragraph (c) of this subdivision is not violated if:

8 (i) at the direct request of a customer at least twenty-one years of
9 age, such a customer handles the item, packaged or otherwise, to inspect
10 the product prior to purchase; or

11 (ii) such items are temporarily visible during restocking, the sale of
12 such items, or the carriage of such items into or out of the premises.

13 (c) No dealer shall display or permit the display of any tobacco prod-
14 uct, herbal cigarette, vapor product, or electronic cigarette for any
15 longer than necessary to complete the purposes identified in subpara-
16 graphs (i) and (ii) of paragraph (b) of this subdivision.

17 (d) No dealer shall store any tobacco and vapor products menu in a
18 location where it is visible to customers or accessible to customers
19 without the assistance of the dealer. The menu shall also contain menu
20 cover page that shall prevent the inadvertent viewing of promotional or
21 other material contained within the tobacco and vapor products menu.

22 (e) No dealer shall provide any tobacco and vapor products menu or any
23 tobacco product, herbal cigarette, vapor product, or electronic ciga-
24 rette to any individual who has not demonstrated, through identification
25 which meets the requirements of subdivision three of this section, that
26 the individual is at least twenty-one years of age. Such identification
27 need not be required of any individual who reasonably appears to be over
28 the age of thirty, provided, however, that such appearance shall not

1 constitute a defense in any proceeding alleging the sale of such item to
2 an individual under twenty-one years of age. It shall be an affirmative
3 defense to a violation of this paragraph that the dealer successfully
4 performed a transaction scan of an individual's identification and that
5 a tobacco and vapor products menu, tobacco product, herbal cigarette,
6 vapor product, or electronic cigarette was provided to such individual
7 in reasonable reliance upon such identification and transaction scan.

8 (f) After a customer has completed viewing a tobacco and vapor
9 products menu, the dealer shall immediately return the tobacco and vapor
10 products menu to its storage location.

11 (g) Unless required otherwise by regulation of the department, the
12 menu cover page of the tobacco and vapor products menu shall be blank or
13 contain only the words "Tobacco and Vapor Products Menu" and shall not
14 contain any advertising or other promotional material.

15 (h) The commissioner may issue rules and regulations governing the use
16 of the tobacco and vapor products menu and menu cover page.

17 (i) Paragraphs (a) through (g) of this subdivision shall not apply to
18 a place of business to which admission is restricted solely to persons
19 twenty-one years of age or older.

20 (j) Nothing herein shall be construed to restrict the authority of any
21 county, city, town, or village to enact, adopt, promulgate and enforce
22 additional local laws, ordinances, regulations or other measures which
23 are in addition to or more stringent than either of the provisions of
24 this article.

25 § 7. Section 1399-dd of the public health law, as amended by chapter
26 448 of the laws of 2012, is amended to read as follows:

27 § 1399-dd. Sale of tobacco products, herbal cigarettes, vapor
28 products, or electronic cigarettes in vending machines. No person, firm,

1 partnership, company or corporation shall operate a vending machine
2 which dispenses tobacco products, herbal cigarettes, vapor products, or
3 electronic cigarettes unless such machine is located: (a) in a bar as
4 defined in subdivision one of section thirteen hundred ninety-nine-n of
5 this chapter, or the bar area of a food service establishment with a
6 valid, on-premises full liquor license; (b) in a private club; (c) in a
7 tobacco business as defined in subdivision eight of section thirteen
8 hundred ninety-nine-aa of this article; or (d) in a place of employment
9 which has an insignificant portion of its regular workforce comprised of
10 people under the age of [eighteen] twenty-one years and only in such
11 locations that are not accessible to the general public; provided,
12 however, that in such locations the vending machine is located in plain
13 view and under the direct supervision and control of the person in
14 charge of the location or his or her designated agent or employee.

15 § 8. Section 1399-ee of the public health law, as amended by chapter
16 162 of the laws of 2002, is amended to read as follows:

17 § 1399-ee. Hearings; penalties. 1. Hearings with respect to violation
18 of this article shall be conducted in the same manner as hearings
19 conducted under article thirteen-E of this chapter.

20 2. If the enforcement officer determines after a hearing that a
21 violation of this article has occurred, he or she shall impose a civil
22 penalty of a minimum of three hundred dollars, but not to exceed one
23 thousand dollars for a first violation, and a minimum of five hundred
24 dollars, but not to exceed one thousand five hundred dollars for each
25 subsequent violation, unless a different penalty is otherwise provided
26 in this article. The enforcement officer shall advise the [retail] deal-
27 er that upon the accumulation of three or more points pursuant to this
28 section the [department] commissioner of taxation and finance shall

1 suspend the dealer's registration. If the enforcement officer determines
2 after a hearing that a [retail] dealer was selling tobacco products,
3 vapor products, or electronic cigarettes while their registration was
4 suspended or permanently revoked pursuant to subdivision three or four
5 of this section, he or she shall impose a civil penalty of twenty-five
6 hundred dollars.

7 3. (a) Imposition of points. If the enforcement officer determines,
8 after a hearing, that the [retail] dealer violated subdivision [one] two
9 of section thirteen hundred ninety-nine-cc of this article with respect
10 to a prohibited sale to a [minor] person under the age of twenty-one, he
11 or she shall, in addition to imposing any other penalty required or
12 permitted pursuant to this section, assign two points to the [retail]
13 dealer's record where the individual who committed the violation did not
14 hold a certificate of completion from a state certified tobacco sales
15 training program and one point where the [retail] dealer demonstrates
16 that the person who committed the violation held a certificate of
17 completion from a state certified tobacco sales training program.

18 (b) Revocation. If the enforcement officer determines, after a hear-
19 ing, that a [retail] dealer has violated this article four times within
20 a three year time frame he or she shall, in addition to imposing any
21 other penalty required or permitted by this section, direct the commis-
22 sioner of taxation and finance to revoke the dealer's registration for
23 one year.

24 (c) Duration of points. Points assigned to a [retail] dealer's record
25 shall be assessed for a period of thirty-six months beginning on the
26 first day of the month following the assignment of points.

27 (d) Reinspection. Any [retail] dealer who is assigned points pursuant
28 to paragraph (a) of this subdivision shall be reinspected at least two

1 times a year by the enforcement officer until points assessed are
2 removed from the [retail] dealer's record.

3 (e) Suspension. If the department determines that a [retail] dealer
4 has accumulated three points or more, the department shall direct the
5 commissioner of taxation and finance to suspend such dealer's registra-
6 tion for six months. The three points serving as the basis for a suspen-
7 sion shall be erased upon the completion of the six month penalty.

8 (f) Surcharge. A fifty dollar surcharge to be assessed for every
9 violation will be made available to enforcement officers and shall be
10 used solely for compliance checks to be conducted to determine compli-
11 ance with this section.

12 4. (a) If the enforcement officer determines, after a hearing, that a
13 [retail] dealer has violated this article while their registration was
14 suspended pursuant to subdivision three of this section, he or she
15 shall, in addition to imposing any other penalty required or permitted
16 by this section, direct the commissioner of taxation and finance to
17 permanently revoke the dealer's registration and not permit the dealer
18 to obtain a new registration.

19 (b) If the enforcement officer determines, after a hearing, that a
20 vending machine operator has violated this article three times within a
21 two year period, or four or more times cumulatively he or she shall, in
22 addition to imposing any other penalty required or permitted by this
23 section, direct the commissioner of taxation and finance to suspend the
24 vendor's registration for one year and not permit the vendor to obtain a
25 new registration for such period.

26 5. The department shall publish a notification of the name and address
27 of any [retailer] dealer violating the provisions of this section and
28 indicate the number of times the dealer has violated the provisions of

1 this section. The notification shall be published in a newspaper of
2 general circulation in the locality in which the [retailer] dealer is
3 located.

4 6. (a) In any proceeding pursuant to subdivision three of this section
5 to assign points to a [retail] dealer's record, the [retail] dealer
6 shall be assigned one point instead of two points where the [retail]
7 dealer demonstrates that the person who committed the violation of
8 section thirteen hundred ninety-nine-cc of this article held a valid
9 certificate of completion from a state certified tobacco sales training
10 program.

11 (b) A state certified tobacco sales training program shall include
12 instruction in the following elements:

13 (1) the health effects of tobacco use, especially at a young age;

14 (2) the legal purchase age and the additional requirements of section
15 thirteen hundred ninety-nine-cc of this article;

16 (3) legal forms of identification and the key features thereof;

17 (4) reliance upon legal forms of identification and the right to
18 refuse sales when acting in good faith;

19 (5) means of identifying fraudulent identification of attempted under-
20 age purchasers;

21 (6) techniques used to refuse a sale;

22 (7) the penalties arising out of unlawful sales to underage individ-
23 uals; and

24 (8) the significant disciplinary action or loss of employment that may
25 be imposed by the [retail] dealer for a violation of the law or a devi-
26 ation from the policies of the [retail] dealer in respect to compliance
27 with such law.

1 (c) A tobacco sales training program may be given and administered by
2 a [retail] dealer duly registered under section four hundred eighty-a of
3 the tax law which operates five or more registered locations, by a trade
4 association whose members are registered as [retail] dealers, by
5 national and regional franchisors who have granted at least five fran-
6 chises in the state to persons who are registered as such [retail] deal-
7 ers by a cooperative corporation with five or more members who are
8 registered as [retail] dealers and are operating in this state, and by a
9 wholesaler supplying fifty or more [retail] dealers. A person or entity
10 administering such training program shall issue certificates of
11 completion to persons successfully completing such a training program.
12 Such certificates shall be prima facie evidence of the completion of
13 such a training program by the person named therein.

14 (d) A certificate of completion may be issued for a period of three
15 years, however such certificate shall be invalidated by a change in
16 employment.

17 (e) Entities authorized pursuant to paragraph (c) of this subdivision
18 to give and administer a tobacco sales training program may submit a
19 proposed curriculum, a facsimile of any training aids and materials, and
20 a list of training locations to the department for review. Training aids
21 may include the use of video, computer based instruction, printed mate-
22 rials and other formats deemed acceptable to the department. The depart-
23 ment shall certify programs which provide instruction in the elements
24 set forth in paragraph (b) of this subdivision in a clear and meaningful
25 fashion. Programs approved by the department shall be certified for a
26 period of three years at which time an entity may reapply for certif-
27 ication. A non-refundable fee in the amount of three hundred dollars
28 shall be paid to the department with each application.

1 § 9. Section 1399-hh of the public health law, as added by chapter 433
2 of the laws of 1997, is amended to read as follows:

3 § 1399-hh. Tobacco vapor product and electronic cigarette enforcement.
4 The commissioner shall develop, plan and implement a comprehensive
5 program to reduce the prevalence of tobacco vapor product and electronic
6 cigarette use, particularly among persons less than [eighteen] twenty-
7 one years of age. This program shall include, but not be limited to,
8 support for enforcement of article thirteen-F of this chapter.

9 1. An enforcement officer, as defined in section thirteen hundred
10 ninety-nine-t of this chapter, may annually, on such dates as shall be
11 fixed by the commissioner, submit an application for such monies as are
12 made available for such purpose. Such application shall be in such form
13 as prescribed by the commissioner and shall include, but not be limited
14 to, plans regarding random spot checks, including the number and types
15 of compliance checks that will be conducted, and other activities to
16 determine compliance with this article. Each such plan shall include an
17 agreement to report to the commissioner: the names and addresses of
18 [tobacco retailers and vendors] dealers determined to be unlicensed, if
19 any; the number of complaints filed against licensed [tobacco retail
20 outlets] dealers; and the names of [tobacco retailers and vendors] deal-
21 ers who have paid fines, or have been otherwise penalized, due to
22 enforcement actions.

23 2. The commissioner shall distribute such monies as are made avail-
24 able for such purpose to enforcement officers and, in so doing, consider
25 the number of retail locations registered to sell tobacco products with-
26 in the jurisdiction of the enforcement officer and the level of proposed
27 activities.

1 3. Monies made available to enforcement officers pursuant to this
2 section shall only be used for local tobacco, herbal cigarette, vapor
3 products and electronic cigarette enforcement activities approved by the
4 commissioner.

5 § 10. Paragraph (b) of subdivision 2 of section 1399-11 of the public
6 health law, as added by chapter 518 of the laws of 2000, is amended to
7 read as follows:

8 (b) Any person operating a tobacco business wherein bidis is sold or
9 offered for sale is prohibited from selling such bidis to individuals
10 under [~~eighteen~~] twenty-one years of age, and shall post in a conspicu-
11 ous place a sign upon which there shall be imprinted the following
12 statement, "SALE OF BIDIS TO PERSONS UNDER [~~EIGHTEEN~~] TWENTY-ONE YEARS
13 OF AGE IS PROHIBITED BY LAW." Such sign shall be printed on a white
14 card in red letters at least one-half inch in height.

15 § 11. Subdivision 1 and paragraph (b) of subdivision 2 of section
16 1399-mm of the public health law, as added by chapter 549 of the laws of
17 2003, are amended to read as follows:

18 1. No person shall knowingly sell or provide gutka to any other person
19 under [~~eighteen~~] twenty-one years of age. No other provision of law
20 authorizing the sale of tobacco products, other than subdivision two of
21 this section, shall authorize the sale of gutka. Any person who
22 violates the provisions of this subdivision shall be subject to a civil
23 penalty of not more than five hundred dollars.

24 (b) Any person operating a tobacco business wherein gutka is sold or
25 offered for sale is prohibited from selling such gutka to individuals
26 under [~~eighteen~~] twenty-one years of age, and shall post in a conspicu-
27 ous place a sign upon which there shall be imprinted the following
28 statement, "SALE OF GUTKA TO PERSONS UNDER [~~EIGHTEEN~~] TWENTY-ONE YEARS

1 OF AGE IS PROHIBITED BY LAW." Such sign shall be printed on a white
2 card in red letters at least one-half inch in height.

3 § 12. The public health law is amended by adding a new section
4 1399-mm-1 to read as follows:

5 § 1399-mm-1. Sale in pharmacies. No tobacco products, herbal ciga-
6 rettes, vapor products, or electronic cigarettes shall be sold in a
7 pharmacy or in a retail establishment that contains a pharmacy operated
8 as a department as defined in paragraph f of subdivision two of section
9 sixty-eight hundred eight of the education law.

10 § 13. The public health law is amended by adding a new section
11 1399-mm-2 to read as follows:

12 § 1399-mm-2. Electronic cigarette and vapor products; characterizing
13 flavors. The commissioner is authorized to promulgate regulations
14 governing the sale and distribution of electronic cigarettes or vapor
15 products. Such regulations may, to the extent deemed necessary for the
16 protection of public health, prohibit or restrict: (i) the selling,
17 offering for sale, possessing with intent to sell or offering for sale,
18 or distributing of refills, cartridges, or other components of electron-
19 ic cigarettes or vapor products that imparts a characterizing flavor; or
20 (ii) the use of trademarks, names or descriptions of characterizing
21 flavors that are clearly intended to appeal to minors.

22 § 14. Paragraph n of subdivision 1 of section 1399-o of the public
23 health law, as amended by chapter 335 of the laws of 2017, is amended to
24 read as follows:

25 n. general hospitals and residential health care facilities as defined
26 in article twenty-eight of this chapter, hospitals and residential
27 facilities licensed by or operated by the office of mental health pursu-
28 ant to the mental hygiene law, and other health care facilities licensed

1 by the state in which persons reside; provided, however, that the
2 provisions of this subdivision shall not prohibit smoking [and vaping]
3 by patients in separate enclosed rooms of residential health care facil-
4 ities, adult care facilities established or certified under title two of
5 article seven of the social services law, [community mental health resi-
6 dences established under section 41.44 of the mental hygiene law,] or
7 facilities where day treatment programs are provided, which are desig-
8 nated as smoking [and vaping] rooms for patients of such facilities or
9 programs;

10 § 15. Subdivision 2 of section 1399-o of the public health law is
11 amended by adding a new paragraph c to read as follows:

12 c. on the grounds of hospitals licensed by or operated by the office
13 of mental health pursuant to the mental hygiene law.

14 § 16. Section 399-gg of the general business law, as added by chapter
15 542 of the laws of 2014, is amended to read as follows:

16 § 399-gg. Packaging of [electronic liquid] vapor products. 1. No
17 person, firm or corporation shall sell or offer for sale any [electronic
18 liquid] vapor products, as defined in [paragraph (e) of] subdivision
19 [one] sixteen of section [thirteen hundred ninety-nine-cc] thirteen
20 hundred ninety-nine-aa of the public health law, unless the [electronic
21 liquid] vapor products is sold or offered for sale in a child resistant
22 bottle which is designed to prevent accidental exposure of children to
23 [electronic liquids] vapor products.

24 2. Any violation of this section shall be punishable by a civil penal-
25 ty not to exceed one thousand dollars.

26 § 17. The tax law is amended by adding a new article 28-C to read as
27 follows:

1 ARTICLE 28-C

2 SUPPLEMENTAL TAX ON VAPOR PRODUCTS

3 Section 1180. Definitions.

4 1181. Imposition of tax.

5 1182. Imposition of compensating use tax.

6 1183. Vapor products dealer registration and renewal.

7 1184. Administrative provisions.

8 1185. Criminal penalties.

9 1186. Deposit and disposition of revenue.

10 § 1180. Definitions. For the purposes of the taxes imposed by this
11 article, the following terms shall mean:

12 (a) "Vapor product" means any noncombustible liquid or gel, regardless
13 of the presence of nicotine therein, that is manufactured in to a
14 finished product for use in an electronic cigarette, electronic cigar,
15 electronic cigarillo, electronic pipe, vaping pen, hookah pen or other
16 similar device. "Vapor product" shall not include any product approved
17 by the United States food and drug administration as a drug or medical
18 device, or manufactured and dispensed pursuant to title five-A of arti-
19 cle thirty-three of the public health law.

20 (b) "Vapor products dealer" means a person licensed by the commission-
21 er to sell vapor products in this state.

22 § 1181. Imposition of Tax. In addition to any other tax imposed by
23 this chapter or other law, there is hereby imposed a tax of twenty
24 percent on receipts from the retail sale of vapor products sold in this
25 state. The tax imposed on the purchaser and collected by the vapor
26 products dealer as defined in subdivision (b) of section eleven hundred
27 eighty of this article, in trust for and on account of the state.

1 § 1182. Imposition of compensating use tax. (a) Except to the extent
2 that vapor products have already been or will be subject to the tax
3 imposed by section eleven hundred eighty-one of this article, or are
4 otherwise exempt under this article, there is hereby imposed a use tax
5 on every use of vapor products by resident of this state.

6 (b) The tax imposed by this section shall be at the rate of twenty
7 percent of (1) the consideration given or contracted to be given for
8 such vapor product purchased at retail; (2) the price at which items of
9 the same kind of vapor products are sold by a manufacturer of such vapor
10 products in the regular course of his or her business.

11 (c) The tax due pursuant to this section shall be paid and reported no
12 later than twenty days after such use on a form prescribed by the
13 commissioner.

14 § 1183. Vapor products dealer registration and renewal. (a) Every
15 person who intends to sell vapor products in this state must receive
16 from the commissioner a certificate of registration prior to engaging in
17 business. Such person must electronically submit a properly completed
18 application for a certificate of registration for each location at which
19 vapor products will be sold in this state, on a form prescribed by the
20 commissioner, and shall be accompanied by a non-refundable application
21 fee of three hundred dollars.

22 (b) A vapor products dealer certificate of registration shall be
23 valid for the calendar year for which it is issued unless earlier
24 suspended or revoked. Upon the expiration of the term stated on the
25 certificate of registration, such certificate shall be null and void. A
26 certificate of registration shall not be assignable or transferable and
27 shall be destroyed immediately upon the vapor products dealer ceasing to

1 do business as specified in such certificate or in the event that such
2 business never commenced.

3 (c) Every vapor product dealer shall publicly display a vapor products
4 dealer certificate of registration in each place of business in this
5 state where vapor products are sold at retail. A vapor products dealer
6 who has no regular place of business shall publicly display such valid
7 certificate on each of its carts, stands, trucks or other merchandising
8 devices through which it sells vapor products.

9 (d) (1) The commissioner shall refuse to issue a certificate of regis-
10 tration to any applicant who does not possess a valid certificate of
11 authority under section eleven hundred thirty-four of this chapter. In
12 addition, the commissioner may refuse to issue a certificate of regis-
13 tration, or suspend, cancel or revoke a certificate of registration
14 issued to any person who: (A) has a past-due liability as that term is
15 defined in section one hundred seventy-one-v of this chapter; (B) has
16 had a certificate of registration under this article or any license or
17 registration provided for in this chapter revoked within one year from
18 the date on which such application was filed; (C) has been convicted of
19 a crime provided for in this chapter within one year from the date on
20 which such application was filed; (D) willfully fails to file a report
21 or return required by this article; (E) willfully files, causes to be
22 filed, gives or causes to be given a report, return, certificate or
23 affidavit required by this article which is false; (F) willfully fails
24 to collect or truthfully account for or pay over any tax imposed by this
25 article; or (G) whose place of business is at the same premises as that
26 of a person whose vapor produces dealer registration has been revoked
27 and where such revocation is still in effect, unless the applicant or
28 vapor products dealer provides the commissioner with adequate documenta-

1 tion demonstrating that such applicant or vapor products dealer acquired
2 the premises or business through an arm's length transaction as defined
3 in paragraph (e) of subdivision one of section four hundred eighty-a of
4 this chapter.

5 (2) In addition to the grounds provided in paragraph one of this
6 subdivision, the commissioner shall refuse to issue a certificate of
7 registration and shall cancel or suspend a certificate of registration
8 as directed by an enforcement officer pursuant to article thirteen-F of
9 the public health law. Notwithstanding any provision of law to the
10 contrary, an applicant whose application for a certificate of registra-
11 tion is refused or a vapor products dealer whose registration is
12 cancelled or suspended under this paragraph shall have no right to a
13 hearing under this chapter and shall have no right to commence a court
14 action or proceeding or to any other legal recourse against the commis-
15 sioner with respect to such refusal, suspension or cancellation;
16 provided, however, that nothing herein shall be construed to deny a
17 vapor products dealer a hearing under article thirteen-F of the public
18 health law or to prohibit vapor products dealers from commencing a court
19 action or proceeding against an enforcement officer as defined in
20 section thirteen hundred ninety-nine-aa of the public health law.

21 (e) If a vapor products dealer is suspended, cancelled or revoked and
22 such vapor products dealer sells vapor products through more than one
23 place of business in this state, the vapor products dealer's certificate
24 of registration issued to that place of business, cart, stand, truck or
25 other merchandising device, where such violation occurred, shall be
26 suspended, revoked or cancelled. Provided, however, upon a vapor
27 products dealer's third suspension, cancellation or revocation within a
28 five-year period for any one or more businesses owned or operated by the

1 vapor products dealer, such suspension, cancellation, or revocation of
2 the vapor products dealer's certificate of registration shall apply to
3 all places of business where he or she sells vapor products in this
4 state.

5 (f) Every holder of a certificate of registration must notify the
6 commissioner of changes to any of the information stated on the certif-
7 icate or changes to any information contained in the application for the
8 certificate of authority. Such notification must be made on or before
9 the last day of the month in which a change occurs and must be made
10 electronically on a form prescribed by the commissioner.

11 (g) Every vapor products dealer who holds a certificate of registra-
12 tion under this article shall be required to reapply for a certificate
13 of registration for the following calendar year on or before the twenti-
14 eth day of September and such reapplication shall be subject to the same
15 requirements and conditions, including grounds for refusal, as an
16 initial registration under this article, including but not limited to
17 the payment of the three hundred dollar application fee for each retail
18 location.

19 (h) In addition to any other penalty imposed by this chapter, any
20 vapor products dealer who violates the provisions of this section, (1)
21 for a first violation is liable for a civil fine not less than five
22 thousand dollars but not to exceed twenty-five thousand dollars and such
23 certificate of registration may be suspended for a period of not more
24 than six months; and (2) for a second or subsequent violation within
25 three years following a prior violation of this section, is liable for a
26 civil fine not less than ten thousand dollars but not to exceed thirty-
27 five thousand dollars and such certificate of registration may be
28 suspended for a period of up to thirty-six months; or (3) for a third

1 violation within a period of five years, its vapor products certificate
2 or certificates of registration issued to each place of business owned
3 or operated by the vapor products dealer in this state, shall be revoked
4 for a period of up to five years.

5 § 1184. Administrative provisions. (a) Except as otherwise provided
6 for in this article, the taxes imposed by this article shall be adminis-
7 tered and collected in a like manner as and jointly with the taxes
8 imposed by sections eleven hundred five and eleven hundred ten of this
9 chapter. In addition, except as otherwise provided in this article, all
10 of the provisions of article twenty-eight of this chapter (except
11 sections eleven hundred seven, eleven hundred eight, eleven hundred
12 nine, and eleven hundred forty-eight) relating to or applicable to the
13 administration, collection and review of the taxes imposed by such
14 sections eleven hundred five and eleven hundred ten, including, but not
15 limited to, the provisions relating to definitions, returns, exemptions,
16 penalties, tax secrecy, personal liability for the tax, and collection
17 of tax from the customer, shall apply to the taxes imposed by this arti-
18 cle so far as such provisions can be made applicable to the taxes
19 imposed by this article with such limitations as set forth in this arti-
20 cle and such modifications as may be necessary in order to adapt such
21 language to the taxes so imposed. Such provisions shall apply with the
22 same force and effect as if the language of those provisions had been
23 set forth in full in this article except to the extent that any
24 provision is either inconsistent with a provision of this article or is
25 not relevant to the taxes imposed by this article.

26 (b) Notwithstanding the provisions of subdivision (a) of this section,
27 the exemptions provided in paragraph ten of subdivision (a) of section
28 eleven hundred fifteen of this chapter, and the provisions of section

1 eleven hundred sixteen, except those provided in paragraphs one, two,
2 three and six of subdivision (a) of such section, shall not apply to the
3 taxes imposed by this article.

4 (c) Notwithstanding the provisions of this section or section eleven
5 hundred forty-six of this chapter, the commissioner may, in his or her
6 discretion, permit the commissioner of health or his or her authorized
7 representative to inspect any return related to the tax imposed by this
8 article and may furnish to the commissioner of health any such return
9 or supply him or her with information concerning an item contained in
10 any such return, or disclosed by any investigation of a liability under
11 this article.

12 § 1185. Criminal penalties. The criminal penalties in sections eigh-
13 teen hundred one through eighteen hundred seven and eighteen hundred
14 seventeen of this chapter shall apply to this article with the same
15 force and effect as if the language of those provisions had been set
16 forth in full in this article except to the extent that any provision is
17 either inconsistent with a provision of this article or is not relevant
18 to the taxes imposed by this article.

19 § 1186. Deposit and disposition of revenue. The taxes, interest, and
20 penalties imposed by this article and collected or received by the
21 commissioner shall be deposited daily with such responsible banks, bank-
22 ing houses or trust companies, as may be designated by the comptroller,
23 to the credit of the comptroller in trust for the tobacco control and
24 insurance initiatives pool established by section ninety-two-dd of the
25 state finance law and distributed by the commissioner of health in
26 accordance with section twenty-eight hundred seven-v of the public
27 health law. Such deposits will be kept separate and apart from all other
28 money in the possession of the comptroller. The comptroller shall

1 require adequate security from all such depositories. Of the total
2 revenue collected or received under this article, the comptroller shall
3 retain such amount as the commissioner may determine to be necessary for
4 refunds under this article. Provided, however that the commissioner is
5 authorized and directed to deduct from the amounts he or she receives
6 from the registration fees under section eleven hundred eighty-three of
7 this article, before deposit into the tobacco control and insurance
8 initiatives pool, a reasonable amount necessary to effectuate refunds of
9 appropriations of the department to reimburse the department for the
10 costs incurred to administer, collect and distribute the taxes imposed
11 by this article.

12 § 18. Subsection (a) of section 92-dd of the state finance law, as
13 amended by section 3 of part T of chapter 61 of the laws of 2011, is
14 amended to read as follows:

15 (a) On and after April first, two thousand five, such fund shall
16 consist of the revenues heretofore and hereafter collected or required
17 to be deposited pursuant to paragraph (a) of subdivision eighteen of
18 section twenty-eight hundred seven-c, and sections twenty-eight hundred
19 seven-j, twenty-eight hundred seven-s and twenty-eight hundred seven-t
20 of the public health law, subdivision (b) of section four hundred eight-
21 y-two and section eleven hundred eighty-six of the tax law and required
22 to be credited to the tobacco control and insurance initiatives pool,
23 subparagraph (O) of paragraph four of subsection (j) of section four
24 thousand three hundred one of the insurance law, section twenty-seven of
25 part A of chapter one of the laws of two thousand two and all other
26 moneys credited or transferred thereto from any other fund or source
27 pursuant to law.

1 § 19. Severability clause. If any clause, sentence, paragraph, subdi-
2 vision, section or part of this act shall be adjudged by any court of
3 competent jurisdiction to be invalid, such judgment shall not affect,
4 impair, or invalidate the remainder thereof, but shall be confined in
5 its operation to the clause, sentence, paragraph, subdivision, section
6 or part thereof directly involved in the controversy in which such judg-
7 ment shall have been rendered. It is hereby declared to be the intent of
8 the legislature that this act would have been enacted even if such
9 invalid provisions had not been included herein.

10 § 20. This act shall take effect on the one hundred eightieth day
11 after it shall have become a law; provided, however that section seven-
12 teen of this act shall take effect on the first day of a quarterly peri-
13 od described in subdivision (b) of section 1136 of the tax law next
14 commencing at least one hundred eighty days after this act shall become
15 a law, and shall apply to sales and uses of vapor products on or after
16 such date.

17 PART VV

18 Section 1. This act shall be known and may be cited as the "Cannabis
19 Regulation and Taxation Act".

20 § 2. A new chapter 7-A of the consolidated laws is added, to read as
21 follows:

22 CHAPTER 7-A OF THE CONSOLIDATED LAWS

23 CANNABIS LAW

24 ARTICLE 1

1 the protection of the health, safety, and welfare of the people of the
2 state.

3 § 3. Definitions. Whenever used in this chapter, unless otherwise
4 expressly stated or unless the context or subject matter requires a
5 different meaning, the following terms shall have the representative
6 meanings hereinafter set forth or indicated:

7 1. "Applicant" means a for-profit entity or not-for-profit corporation
8 and includes: board members, officers, managers, owners, partners, prin-
9 cipal stakeholders and members who submit an application to become a
10 registered organization, licensee or permittee.

11 2. "Bona fide cannabis retailer association" shall mean an association
12 of retailers holding licenses under this chapter, organized under the
13 non-profit or not-for-profit laws of this state.

14 3. "Cannabis" means all parts of the plant of the genus cannabis,
15 whether growing or not; the seeds thereof; the resin extracted from any
16 part of the plant; and every compound, manufacture, salt, derivative,
17 mixture, or preparation of the plant, its seeds or resin.

18 4. "Concentrated cannabis" means: (a) the separated resin, whether
19 crude or purified, obtained from a plant of the genus cannabis; or (b) a
20 material, preparation, mixture, compound or other substance which
21 contains more than three percent by weight of delta-9 tetrahydrocannabi-
22 nol, or its isomer, delta-8 dibenzopyran numbering system, or delta-1
23 tetrahydrocannabinol or its isomer, delta 1 (6) monoterpene numbering
24 system.

25 5. "Cannabis consumer" means a person, twenty-one years of age or
26 older, who purchases cannabis or cannabis products for personal use by
27 persons twenty-one years of age or older, but not for resale to others.

1 6. "Adult-use cannabis processor" means a person licensed by the
2 office to purchase cannabis and concentrated cannabis from cannabis
3 cultivators, to process cannabis, concentrated cannabis, and cannabis
4 infused products, package and label cannabis, concentrated cannabis and
5 cannabis infused products for sale in retail outlets, and sell cannabis,
6 concentrated cannabis and cannabis infused products at wholesale to
7 licensed adult-use cannabis distributors.

8 7. "Cannabis product" or "adult-use cannabis" means cannabis, concen-
9 trated cannabis, and cannabis-infused products for use by a cannabis
10 consumer.

11 8. "Adult-use cannabis retail dispenser" means a person licensed by
12 the executive director to purchase cannabis, concentrated cannabis, and
13 cannabis-infused products from cannabis processors and cannabis distrib-
14 utors, and sell cannabis, concentrated cannabis and cannabis-infused
15 products in a retail outlet.

16 9. "Certified medical use" means the acquisition, possession, use, or
17 transportation of medical cannabis by a certified patient, or the acqui-
18 sition, possession, delivery, transportation or administration of
19 medical cannabis by a designated caregiver or designated caregiver
20 facility, for use as part of the treatment of the patient's serious
21 condition, as authorized in a certification under this chapter including
22 enabling the patient to tolerate treatment for the serious condition.

23 10. "Caring for" means treating a patient, in the course of which the
24 practitioner has completed a full assessment of the patient's medical
25 history and current medical condition.

26 11. "Certified patient" means a patient who is a resident of New York
27 state or receiving care and treatment in New York state as determined by

1 the executive director in regulation, and is certified under section
2 thirty of this chapter.

3 12. "Certification" means a certification, made under this chapter.

4 13. "Cultivation" shall include, but not be limited to, the planting,
5 growing, cloning, harvesting, drying, curing, grading and trimming of
6 cannabis.

7 14. "Executive director" means the executive director of the office of
8 cannabis management.

9 15. "Convicted" and "conviction" include and mean a finding of guilt
10 resulting from a plea of guilty, the decision of a court or magistrate
11 or the verdict of a jury, irrespective of the pronouncement of judgment
12 or the suspension thereof.

13 16. "Designated caregiver" means an individual designated by a certi-
14 fied patient in a registry application. A certified patient may desig-
15 nate up to five designated caregivers.

16 17. "Designated caregiver facility" means a general hospital or resi-
17 dential health care facility operating pursuant to article twenty-eight
18 of the public health law; an adult care facility operating pursuant to
19 title two of article seven of the social services law; a community
20 mental health residence established pursuant to section 41.44 of the
21 mental hygiene law; a hospital operating pursuant to section 7.17 of the
22 mental hygiene law; a mental hygiene facility operating pursuant to
23 article thirty-one of the mental hygiene law; an inpatient or residen-
24 tial treatment program certified pursuant to article thirty-two of the
25 mental hygiene law; a residential facility for the care and treatment of
26 persons with developmental disabilities operating pursuant to article
27 sixteen of the mental hygiene law; a residential treatment facility for
28 children and youth operating pursuant to article thirty-one of the

1 mental hygiene law; a private or public school; research institution
2 with an internal review board; or any other facility as determined by
3 the executive director in regulation; that registers with the office of
4 cannabis management to assist one or more certified patients with the
5 acquisition, possession, delivery, transportation or administration of
6 medical cannabis.

7 18. "Felony" means any criminal offense classified as a felony under
8 the laws of this state or any criminal offense committed in any other
9 state, district, or territory of the United States and classified as a
10 felony therein which if committed within this state, would constitute a
11 felony in this state.

12 19. "Form of medical cannabis" means characteristics of the medical
13 cannabis recommended or limited for a particular certified patient,
14 including the method of consumption and any particular strain, variety,
15 and quantity or percentage of cannabis or particular active ingredient.

16 20. "Government agency" means any office, division, board, bureau,
17 commission, office, agency, authority or public corporation of the state
18 or federal government or a county, city, town or village government
19 within the state.

20 21. "Industrial hemp" means the plant *Cannabis sativa* L. and any part
21 of such plant, including the seeds thereof and all derivatives,
22 extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
23 whether growing or not, with a delta-9 tetrahydrocannabinol concen-
24 tration of not more than three-tenths of one percent on a dry weight
25 basis, used or intended for an industrial purpose or those food and/or
26 food ingredients that are generally recognized as safe, as further
27 defined and regulated in the agriculture and markets law.

1 22. "Hemp cannabis" means the plant *Cannabis sativa* L. and any part of
2 such plant, including the seeds thereof and all derivatives, extracts,
3 cannabinoids, isomers, acids, salts, and salts of isomers, whether grow-
4 ing or not, with a delta-9 tetrahydrocannabinol concentration of not
5 more than an amount determined by the office in regulation, used or
6 intended for human or animal consumption or use for its cannabinoid
7 content, as determined by the executive director in regulation. Hemp
8 cannabis excludes industrial hemp used or intended exclusively for an
9 industrial purpose and those food and/or food ingredients that are
10 generally recognized as safe, as governed by the Agriculture and Markets
11 Law, and shall not be regulated as "hemp" or "hemp cannabis" within the
12 meaning of this section.

13 23. "Cannabinoid grower" means a person licensed by the office, and in
14 compliance with article twenty-nine of the agriculture and markets law,
15 to acquire, possess, cultivate, and sell hemp cannabis for its cannabi-
16 noid content.

17 24. "Cannabinoid extractor" means a person licensed by the office to
18 acquire, possess, extract and manufacture hemp cannabis from licensed
19 cannabinoid growers for the manufacture and sale of hemp cannabis
20 products marketed for cannabinoid content and used or intended for human
21 or animal consumption or use.

22 25. "Individual dose" means a single measure of raw cannabis, medical
23 cannabis or non-infused concentrate or medical concentrate.

24 26. "Labor peace agreement" means an agreement between an entity and a
25 labor organization that, at a minimum, protects the state's proprietary
26 interests by prohibiting labor organizations and members from engaging
27 in picketing, work stoppages, boycotts, and any other economic interfer-
28 ence with the registered organization or licensee's business.

1 27. "License" means a license issued pursuant to this chapter.

2 28. "Medical cannabis" means cannabis as defined in subdivision three
3 of this section, intended for a certified medical use, as determined by
4 the executive director in consultation with the commissioner of health.

5 30. "Office" or "office of cannabis management" means the New York
6 state office of cannabis management.

7 31. "Permit" means a permit issued pursuant to this chapter.

8 32. "Permittee" means any person to whom a permit has been issued
9 pursuant to this chapter.

10 33. "Person" means individual, institution, corporation, government or
11 governmental subdivision or agency, business trust, estate, trust, part-
12 nership or association, or any other legal entity.

13 34. "Practitioner" means a practitioner who: (i) is authorized to
14 prescribe controlled substances within the state, (ii) by training or
15 experience is qualified to treat a serious condition as defined in
16 subdivision forty-four of this section; and (iii) completes, at a mini-
17 mum, a two-hour course as determined by the executive director in regu-
18 lation; provided however, the executive director may revoke a practi-
19 tioner's ability to certify patients for cause.

20 35. "Processing" includes, but is not limited to, blending, extract-
21 ing, infusing, packaging, labeling, branding and otherwise making or
22 preparing cannabis products. Processing shall not include the culti-
23 vation of cannabis.

24 36. "Public place" means a public place as defined in regulation by
25 the executive director.

26 37. "Registered organization" means an organization registered under
27 article three of this chapter.

1 38. "Registry application" means an application properly completed and
2 filed with the office of cannabis management by a certified patient
3 under article three of this chapter.

4 39. "Registry identification card" means a document that identifies a
5 certified patient or designated caregiver, as provided under section
6 thirty-two of this chapter.

7 40. "Retail sale" or "sale at retail" means a sale to a consumer or to
8 any person for any purpose other than for resale.

9 41. "Retailer" means any person who sells at retail any cannabis prod-
10 uct, the sale of which a license is required under the provisions of
11 this chapter.

12 42. "Sale" means any transfer, exchange or barter in any manner or by
13 any means whatsoever, and includes and means all sales made by any
14 person, whether principal, proprietor, agent, servant or employee of any
15 cannabis product.

16 43. "To sell" includes to solicit or receive an order for, to keep or
17 expose for sale, and to keep with intent to sell and shall include the
18 transportation or delivery of any cannabis product in the state.

19 44. "Serious condition" means having one of the following severe
20 debilitating or life-threatening conditions: cancer, positive status for
21 human immunodeficiency virus or acquired immune deficiency syndrome,
22 amyotrophic lateral sclerosis, Parkinson's disease, multiple sclerosis,
23 damage to the nervous tissue of the spinal cord with objective neurolog-
24 ical indication of intractable spasticity, epilepsy, inflammatory bowel
25 disease, neuropathies, Huntington's disease, post-traumatic stress
26 disorder, pain that degrades health and functional capability where the
27 use of medical cannabis is an alternative to opioid use, substance use
28 disorder, Alzheimer's, muscular dystrophy, dystonia, rheumatoid arthri-

1 tis, autism, any condition authorized as part of a cannabis research
2 license, or any other condition as added by the executive director.

3 45. "Traffic in" includes to cultivate, process, manufacture, distrib-
4 ute or sell any cannabis, cannabis product, medical cannabis or hemp at
5 wholesale or retail.

6 46. "Terminally ill" means an individual has a medical prognosis that
7 the individual's life expectancy is approximately one year or less if
8 the illness runs its normal course.

9 47. "Wholesale sale" or "sale at wholesale" means a sale to any person
10 for purposes of resale.

11 48. "Distributor" means any person who sells at wholesale any cannabis
12 product, except medical cannabis, for the sale of which a license is
13 required under the provisions of this chapter.

14 49. "Warehouse" means and includes a place in which cannabis products
15 are housed or stored.

16 ARTICLE 2

17 NEW YORK STATE OFFICE OF CANNABIS MANAGEMENT

18 Section 9. Establishment of an office of cannabis management.

19 10. Executive director.

20 11. Executive director's authority.

21 12. Rulemaking authority.

22 13. State cannabis advisory board.

23 14. Disposition of moneys received for license fees.

24 15. Legal presumptions.

25 16. Violations of cannabis laws or regulations; penalties and
26 injunctions.

1 17. Formal hearings; notice and procedure.

2 18. Ethics, transparency and accountability.

3 19. Public health management campaign.

4 § 9. Establishment of an office of cannabis management. Pursuant to a
5 chapter of the laws of two thousand nineteen which added this chapter,
6 there is hereby established, within the division of alcoholic beverage
7 control, an independent office of cannabis management, which shall have
8 exclusive jurisdiction to exercise the powers and duties provided by
9 this chapter. The office shall exercise its authority by and through an
10 executive director.

11 § 10. Executive director. The executive director of the state office
12 of cannabis management shall receive an annual salary not to exceed an
13 amount appropriated therefor by the legislature and his or her expenses
14 actually and necessarily incurred in the performance of his official
15 duties, unless otherwise provided by the legislature.

16 § 11. Functions, powers and duties of the office and executive direc-
17 tor. The office of cannabis management, by and through its executive
18 director, shall have the following powers and duties:

19 1. To issue or refuse to issue any registration, license or permit
20 provided for in this chapter.

21 2. To limit, or not to limit, in the executive director's discretion,
22 the number of registrations, licenses and permits of each class to be
23 issued within the state or any political subdivision thereof, and in
24 connection therewith to prohibit the acceptance of applications for such
25 classes which have been so limited.

26 3. To revoke, cancel or suspend for cause any registration, license,
27 or permit issued under this chapter and/or to impose a civil penalty for
28 cause against any holder of a registration, license, or permit issued

1 pursuant to this chapter. Any civil penalty so imposed shall be in addi-
2 tion to and separate and apart from the terms and provisions of the bond
3 required pursuant to section thirty-six of this chapter.

4 4. To fix by rule the standards of cultivation and processing of
5 medical cannabis, adult use cannabis and hemp cannabis, including but
6 not limited to, the ability to regulate potency and the types of
7 products which may be manufactured and/or processed, in order to ensure
8 the health and safety of the public and the use of proper ingredients
9 and methods in the manufacture of all cannabis and hemp cannabis to be
10 sold or consumed in the state.

11 5. To hold hearings, subpoena witnesses, compel their attendance,
12 administer oaths, to examine any person under oath and in connection
13 therewith to require the production of any books or records relative to
14 the inquiry. A subpoena issued under this section shall be regulated by
15 the civil practice law and rules.

16 6. To limit or prohibit, at any time of public emergency and without
17 previous notice or advertisement, the cultivation, processing, distrib-
18 ution or sale of any or all cannabis products, medical cannabis or hemp
19 cannabis, for and during the period of such emergency.

20 7. To appoint any necessary directors, deputies, counsels, assistants,
21 investigators, and other employees within the limits provided by appro-
22 priation. Investigators so employed by the office shall be deemed to be
23 peace officers for the purpose of enforcing the provisions of the canna-
24 bis control law or judgements or orders obtained for violation thereof,
25 with all the powers set forth in section 2.20 of the criminal procedure
26 law.

27 8. To remove any employee of the office for cause, after giving such
28 employee a copy of the charges against him or her in writing, and an

1 opportunity to be heard thereon. Any action taken under this subdivision
2 shall be subject to and in accordance with the civil service law.

3 9. To inspect or provide for the inspection at any time of any prem-
4 ises where cannabis or hemp cannabis is cultivated, processed, stored,
5 distributed or sold.

6 10. To prescribe forms of applications for registrations, licenses and
7 permits under this chapter and of all reports deemed necessary by the
8 office.

9 11. To delegate the powers provided in this section to such other
10 officers or employees or other state agencies as may be deemed appropri-
11 ate by the executive director.

12 12. To appoint such advisory groups and committees as the executive
13 director deems necessary to provide assistance to the office to carry
14 out the purposes and objectives of this chapter.

15 13. To exercise the powers and perform the duties in relation to the
16 administration of the office as are necessary but not specifically vest-
17 ed by this chapter, including but not limited to budgetary and fiscal
18 matters.

19 14. To develop and establish minimum criteria for certifying employees
20 to work in the cannabis industry, including the establishment of a
21 cannabis workers certification program.

22 15. To enter into contracts, memoranda of understanding, and agree-
23 ments as deemed appropriate by the executive director to effectuate the
24 policy and purpose of this chapter.

25 16. To issue and administer low interest or zero-interest loans to
26 qualified social equity applicants provided the office has sufficient
27 funds available for such purposes.

1 17. If the executive director finds that public health, safety, or
2 welfare imperatively requires emergency action, and incorporates a find-
3 ing to that effect in an order, summary suspension of a license may be
4 ordered, effective on the date specified in such order or upon service
5 of a certified copy of such order on the licensee, whichever shall be
6 later, pending proceedings for revocation or other action. These
7 proceedings shall be promptly instituted and determined. In addition,
8 the executive director may order the administrative seizure of product,
9 issue a stop order, or take any other action necessary to effectuate and
10 enforce the policy and purpose of this chapter.

11 18. To issue regulations, declaratory rulings, guidance and industry
12 advisories.

13 § 12. Rulemaking authority. 1. The office shall perform such acts,
14 prescribe such forms and propose such rules, regulations and orders as
15 it may deem necessary or proper to fully effectuate the provisions of
16 this chapter.

17 2. The office shall have the power to promulgate any and all necessary
18 rules and regulations governing the production, processing, transporta-
19 tion, distribution, and sale of medical cannabis, recreational cannabis,
20 and hemp cannabis, including but not limited to the registration of
21 organizations authorized to traffic in medical cannabis, the licensing
22 and/or permitting of adult-use cannabis cultivators, processors, cooper-
23 atives, distributors, and retail dispensaries, and the licensing of
24 cannabinoid growers and extractors, including, but not limited to:

25 (a) prescribing forms and establishing application, reinstatement, and
26 renewal fees;

27 (b) the qualifications and selection criteria for registration,
28 licensing, or permitting;

1 (c) the books and records to be created and maintained by registered
2 organizations, licensees, and permittees, including the reports to be
3 made thereon to the office, and inspection of any and all books and
4 records maintained by any registered organization, licensee, or permittee
5 and on the premise of any registered organization, licensee, or permit-
6 tee;

7 (d) methods of producing, processing, and packaging cannabis, medical
8 cannabis, cannabis-infused products, and concentrated cannabis; condi-
9 tions of sanitation, and standards of ingredients, quality, and identity
10 of cannabis products cultivated, processed, packaged, or sold by regis-
11 tered organizations and licensees;

12 (e) security requirements for adult-use cannabis retail dispensaries
13 and premises where cannabis products, including medical cannabis, are
14 cultivated, produced, processed, or stored, and safety protocols for
15 registered organizations, licensees and their employees; and

16 (f) hearing procedures and additional causes for cancellation, revoca-
17 tion, and/or civil penalties against any person registered, licensed, or
18 permitted by the authority.

19 3. The office shall promulgate rules and regulations that are calcu-
20 lated to:

21 (a) prevent the distribution of adult-use cannabis to persons under
22 twenty-one years of age;

23 (b) prevent the revenue from the sale of cannabis from going to crimi-
24 nal enterprises, gangs, and cartels;

25 (c) prevent the diversion of cannabis from this state to other states;

26 (d) prevent cannabis activity that is legal under state law from being
27 used as a cover or pretext for the trafficking of other illegal drugs or
28 other illegal activity;

1 (e) prevent violence and the use of firearms in the cultivation and
2 distribution of cannabis;

3 (f) prevent drugged driving and the exacerbation of other adverse
4 public health consequences associated with the use of cannabis;

5 (g) prevent the growing of cannabis on public lands and the attendant
6 public safety and environmental dangers posed by cannabis production on
7 public lands; and

8 (h) prevent the possession and use of cannabis on federal property.

9 4. The office, in consultation with the department of agriculture and
10 markets and the department of environmental conservation, shall promul-
11 gate necessary rules and regulations governing the safe production of
12 cannabis, including environmental and energy standards and restrictions
13 on the use of pesticides.

14 § 13. State cannabis advisory board. 1. The executive director shall
15 have the authority to establish within the office a state cannabis advi-
16 sory board, which may advise the office on cannabis cultivation, proc-
17 essing, distribution, transport, testing and sale and consider all
18 matters submitted to it by the executive director.

19 2. The executive director of the office shall serve as the chairperson
20 of the board. The vice chairperson shall be elected from among the
21 members of the board by the members of such board, and shall represent
22 the board in the absence of the chairperson at all official board func-
23 tions.

24 3. The members of the board shall receive no compensation for their
25 services but shall be allowed their actual and necessary expenses
26 incurred in the performance of their duties as board members.

27 4. The executive director shall be authorized to promulgate regu-
28 lations establishing the number of members on the board, the term of the

1 board members and any other terms or conditions regarding the state
2 cannabis advisory board.

3 § 14. Disposition of moneys received for license fees. The office
4 shall establish a scale of application, licensing, and renewal fees,
5 based upon the cost of enforcing this chapter and the size of the canna-
6 bis business being licensed, as follows:

7 1. The office shall charge each registered organization, licensee and
8 permittee a registration, licensure or permit fee, and renewal fee, as
9 applicable. The fees may vary depending upon the nature and scope of
10 the different registration, licensure and permit activities.

11 2. The total fees assessed pursuant to this chapter shall be set at an
12 amount that will generate sufficient total revenue to, at a minimum,
13 fully cover the total costs of administering this chapter.

14 3. All registration and licensure fees shall be set on a scaled basis
15 by the office, dependent on the size of the business.

16 4. The office shall deposit all fees collected in the New York state
17 cannabis revenue fund established pursuant to section ninety-nine-ff of
18 the state finance law.

19 § 15. Legal presumptions. The action, proceedings, authority, and
20 orders of the office in enforcing the provisions of the cannabis law and
21 applying them to specific cases shall at all times be regarded as in
22 their nature judicial, and shall be treated as prima facie just and
23 legal.

24 § 16. Violations of cannabis laws or regulations; penalties and
25 injunctions. 1. A person who willfully violates any provision of this
26 chapter, or any regulation lawfully made or established by any public
27 officer under authority of this chapter, the punishment for violating
28 which is not otherwise prescribed by this chapter or any other law, is

1 punishable by imprisonment not exceeding one year, or by a fine not
2 exceeding five thousand dollars or by both.

3 2. Any person who violates, disobeys or disregards any term or
4 provision of this chapter or of any lawful notice, order or regulation
5 pursuant thereto for which a civil penalty is not otherwise expressly
6 prescribed by law, shall be liable to the people of the state for a
7 civil penalty of not to exceed five thousand dollars for every such
8 violation.

9 3. The penalty provided for in subdivision one of this section may be
10 recovered by an action brought by the executive director in any court of
11 competent jurisdiction.

12 4. Nothing in this section shall be construed to alter or repeal any
13 existing provision of law declaring such violations to be misdemeanors
14 or felonies or prescribing the penalty therefor.

15 5. Such civil penalty may be released or compromised by the executive
16 director before the matter has been referred to the attorney general,
17 and where such matter has been referred to the attorney general, any
18 such penalty may be released or compromised and any action commenced to
19 recover the same may be settled and discontinued by the attorney general
20 with the consent of the executive director.

21 6. It shall be the duty of the attorney general upon the request of
22 the executive director to bring an action for an injunction against any
23 person who violates, disobeys or disregards any term or provision of
24 this chapter or of any lawful notice, order or regulation pursuant ther-
25 eto; provided, however, that the executive director shall furnish the
26 attorney general with such material, evidentiary matter or proof as may
27 be requested by the attorney general for the prosecution of such an
28 action.

1 7. It is the purpose of this section to provide additional and cumula-
2 tive remedies, and nothing herein contained shall abridge or alter
3 rights of action or remedies now or hereafter existing, nor shall any
4 provision of this section, nor any action done by virtue of this
5 section, be construed as estopping the state, persons or municipalities
6 in the exercising of their respective rights.

7 § 17. Formal hearings; notice and procedure. 1. The executive direc-
8 tor, or any person designated by him or her for this purpose, may issue
9 subpoenas and administer oaths in connection with any hearing or inves-
10 tigation under or pursuant to this chapter, and it shall be the duty of
11 the executive director and any persons designated by him or her for such
12 purpose to issue subpoenas at the request of and upon behalf of the
13 respondent.

14 2. The executive director and those designated by him or her shall not
15 be bound by the laws of evidence in the conduct of hearing proceedings,
16 but the determination shall be founded upon sufficient evidence to
17 sustain it.

18 3. Notice of hearing shall be served at least fifteen days prior to
19 the date of the hearing, provided that, whenever because of danger to
20 the public health, safety or welfare it appears prejudicial to the
21 interests of the people of the state to delay action for fifteen days,
22 the executive director may serve the respondent with an order requiring
23 certain action or the cessation of certain activities immediately or
24 within a specified period of less than fifteen days.

25 4. Service of notice of hearing or order shall be made by personal
26 service or by registered or certified mail. Where service, whether by
27 personal service or by registered or certified mail, is made upon an
28 incompetent, partnership, or corporation, it shall be made upon the

1 person or persons designated to receive personal service by article
2 three of the civil practice law and rules.

3 5. At a hearing, the respondent may appear personally, shall have the
4 right of counsel, and may cross-examine witnesses against him or her and
5 produce evidence and witnesses in his or her behalf.

6 6. Following a hearing, the executive director may make appropriate
7 determinations and issue a final order in accordance therewith.

8 7. The executive director may adopt, amend and repeal administrative
9 rules and regulations governing the procedures to be followed with
10 respect to hearings, such rules to be consistent with the policy and
11 purpose of this chapter and the effective and fair enforcement of its
12 provisions.

13 8. The provisions of this section shall be applicable to all hearings
14 held pursuant to this chapter, except where other provisions of this
15 chapter applicable thereto are inconsistent therewith, in which event
16 such other provisions shall apply.

17 § 18. Ethics, transparency and accountability. No member of the
18 office or any officer, deputy, assistant, inspector or employee thereof
19 shall have any interest, direct or indirect, either proprietary or by
20 means of any loan, mortgage or lien, or in any other manner, in or on
21 any premises where cannabis, medical cannabis or hemp is cultivated,
22 processed, distributed or sold; nor shall he or she have any interest,
23 direct or indirect, in any business wholly or partially devoted to the
24 cultivation, processing, distribution, sale, transportation or storage
25 of cannabis, medical cannabis or hemp, or own any stock in any corpo-
26 ration which has any interest, proprietary or otherwise, direct or indi-
27 rect, in any premises where cannabis, medical cannabis or hemp is culti-
28 vated, processed, distributed or sold, or in any business wholly or

1 partially devoted to the cultivation, processing, distribution, sale,
2 transportation or storage of cannabis, medical cannabis or hemp, or
3 receive any commission or profit whatsoever, direct or indirect, from
4 any person applying for or receiving any license or permit provided for
5 in this chapter, or hold any other elected or appointed public office in
6 the state or in any political subdivision. Anyone who violates any of
7 the provisions of this section shall be removed or shall divulge him or
8 herself of such direct or indirect interests.

9 § 19. Public health campaign. The office, in consultation with the
10 commissioners of the department of health, office of alcoholism and
11 substance abuse services and office of mental health, shall develop and
12 implement a comprehensive public health campaign regarding adult-use
13 cannabis.

14 ARTICLE 3

15 MEDICAL CANNABIS

16 Section 30. Certification of patients.

17 31. Lawful medical use.

18 32. Registry identification cards.

19 33. Registration as a designated caregiver facility.

20 34. Registered organizations.

21 35. Registering of registered organizations.

22 36. Expedited registration of registered organizations.

23 37. Reports of registered organizations.

24 38. Evaluation; research programs; report by office.

25 39. Cannabis research license.

26 40. Registered organizations and adult-use cannabis.

- 1 41. Home cultivation of medical cannabis.
- 2 42. Relation to other laws.
- 3 43. Protections for the medical use of cannabis.
- 4 44. Regulations.
- 5 45. Suspend; terminate.
- 6 46. Pricing.
- 7 47. Severability.

8 § 30. Certification of patients. 1. A patient certification may only
9 be issued if:

10 (a) the patient has a serious condition, which shall be specified in
11 the patient's health care record;

12 (b) the practitioner by training or experience is qualified to treat
13 the serious condition;

14 (c) the patient is under the practitioner's continuing care for the
15 serious condition; and

16 (d) in the practitioner's professional opinion and review of past
17 treatments, the patient is likely to receive therapeutic or palliative
18 benefit from the primary or adjunctive treatment with medical use of
19 cannabis for the serious condition.

20 2. The certification shall include: (a) the name, date of birth and
21 address of the patient; (b) a statement that the patient has a serious
22 condition and the patient is under the practitioner's care for the seri-
23 ous condition; (c) a statement attesting that all requirements of subdi-
24 vision one of this section have been satisfied; (d) the date; and (e)
25 the name, address, telephone number, and the signature of the certifying
26 practitioner. The executive director may require by regulation that the
27 certification shall be on a form provided by the office. The practition-
28 er may state in the certification that, in the practitioner's profes-

1 sional opinion, the patient would benefit from medical cannabis only
2 until a specified date. The practitioner may state in the certification
3 that, in the practitioner's professional opinion, the patient is termi-
4 nally ill and that the certification shall not expire until the patient
5 dies.

6 3. In making a certification, the practitioner may consider the form
7 of medical cannabis the patient should consume, including the method of
8 consumption and any particular strain, variety, and quantity or percent-
9 age of cannabis or particular active ingredient, and appropriate dosage.
10 The practitioner may state in the certification any recommendation or
11 limitation the practitioner makes, in his or her professional opinion,
12 concerning the appropriate form or forms of medical cannabis and dosage.

13 4. Every practitioner shall consult the prescription monitoring
14 program registry prior to making or issuing a certification, for the
15 purpose of reviewing a patient's controlled substance history. For
16 purposes of this section, a practitioner may authorize a designee to
17 consult the prescription monitoring program registry on his or her
18 behalf, provided that such designation is in accordance with section
19 thirty-three hundred forty-three-a of the public health law.

20 5. The practitioner shall give the certification to the certified
21 patient, and place a copy in the patient's health care record.

22 6. No practitioner shall issue a certification under this section for
23 himself or herself.

24 7. A registry identification card based on a certification shall
25 expire one year after the date the certification is signed by the prac-
26 titioner.

27 8. (a) If the practitioner states in the certification that, in the
28 practitioner's professional opinion, the patient would benefit from

1 medical cannabis only until a specified earlier date, then the registry
2 identification card shall expire on that date; (b) if the practitioner
3 states in the certification that in the practitioner's professional
4 opinion the patient is terminally ill and that the certification shall
5 not expire until the patient dies, then the registry identification card
6 shall state that the patient is terminally ill and that the registration
7 card shall not expire until the patient dies; (c) if the practitioner
8 re-issues the certification to terminate the certification on an earlier
9 date, then the registry identification card shall expire on that date
10 and shall be promptly destroyed by the certified patient; (d) if the
11 certification so provides, the registry identification card shall state
12 any recommendation or limitation by the practitioner as to the form or
13 forms of medical cannabis or dosage for the certified patient; and (e)
14 the executive director shall make regulations to implement this subdivi-
15 sion.

16 § 31. Lawful medical use. 1. The possession, acquisition, use, deliv-
17 ery, transfer, transportation, or administration of medical cannabis by
18 a certified patient, designated caregiver or designated caregiver facil-
19 ity, for certified medical use, shall be lawful under this article
20 provided that:

21 (a) the cannabis that may be possessed by a certified patient shall
22 not exceed a sixty-day supply of the dosage as determined by the practi-
23 tioner, consistent with any guidance and regulations issued by the exec-
24 utive director, provided that during the last seven days of any sixty-
25 day period, the certified patient may also possess up to such amount for
26 the next sixty-day period;

27 (b) the cannabis that may be possessed by designated caregivers does
28 not exceed the quantities referred to in paragraph (a) of this subdivi-

1 sion for each certified patient for whom the caregiver possesses a valid
2 registry identification card, up to five certified patients;

3 (c) the cannabis that may be possessed by designated caregiver facili-
4 ties does not exceed the quantities referred to in paragraph (a) of this
5 subdivision for each certified patient under the care or treatment of
6 the facility;

7 (d) the form or forms of medical cannabis that may be possessed by the
8 certified patient, designated caregiver or designated caregiver facility
9 pursuant to a certification shall be in compliance with any recommenda-
10 tion or limitation by the practitioner as to the form or forms of
11 medical cannabis or dosage for the certified patient in the certif-
12 ication; and

13 (e) the medical cannabis shall be kept in the original package in
14 which it was dispensed under this article, except for the portion
15 removed for immediate consumption for certified medical use by the
16 certified patient.

17 2. Notwithstanding subdivision one of this section:

18 (a) possession of medical cannabis shall not be lawful under this
19 article if it is smoked or grown in a public place, regardless of the
20 form of medical cannabis stated in the patient's certification.

21 (b) a person possessing medical cannabis under this chapter shall
22 possess his or her registry identification card at all times when in
23 immediate possession of medical cannabis.

24 § 32. Registry identification cards. 1. Upon approval of the certif-
25 ication, the office shall issue registry identification cards for certi-
26 fied patients and designated caregivers. A registry identification card
27 shall expire as provided in this article or as otherwise provided in
28 this section. The office shall begin issuing registry identification

1 cards as soon as practicable after the certifications required by this
2 chapter are granted. The office may specify a form for a registry appli-
3 cation, in which case the office shall provide the form on request,
4 reproductions of the form may be used, and the form shall be available
5 for downloading from the office's website.

6 2. To obtain, amend or renew a registry identification card, a certi-
7 fied patient or designated caregiver shall file a registry application
8 with the office, unless otherwise exempted by the executive director in
9 regulation. The registry application or renewal application shall
10 include:

11 (a) in the case of a certified patient:

12 (i) the patient's certification, a new written certification shall be
13 provided with a renewal application;

14 (ii) the name, address, and date of birth of the patient;

15 (iii) the date of the certification;

16 (iv) if the patient has a registry identification card based on a
17 current valid certification, the registry identification number and
18 expiration date of that registry identification card;

19 (v) the specified date until which the patient would benefit from
20 medical cannabis, if the certification states such a date;

21 (vi) the name, address, and telephone number of the certifying practi-
22 tioner;

23 (vii) any recommendation or limitation by the practitioner as to the
24 form or forms of medical cannabis or dosage for the certified patient;

25 (viii) if the certified patient designates a designated caregiver, the
26 name, address, and date of birth of the designated caregiver, and other
27 individual identifying information required by the office; and

28 (ix) other individual identifying information required by the office;

1 (b) in the case of a designated caregiver:

2 (i) the name, address, and date of birth of the designated caregiver;

3 (ii) if the designated caregiver has a registry identification card,
4 the registry identification number and expiration date of that registry
5 identification card; and

6 (iii) other individual identifying information required by the office;

7 (c) a statement that a false statement made in the application is
8 punishable under section 210.45 of the penal law;

9 (d) the date of the application and the signature of the certified
10 patient or designated caregiver, as the case may be;

11 (e) any other requirements determined by the executive director.

12 3. Where a certified patient is under the age of eighteen or otherwise
13 incapable of consent:

14 (a) The application for a registry identification card shall be made
15 by an appropriate person over eighteen years of age. The application
16 shall state facts demonstrating that the person is appropriate.

17 (b) The designated caregiver shall be: (i) a parent or legal guardian
18 of the certified patient; (ii) a person designated by a parent or legal
19 guardian; (iii) a designated caregiver facility; or (iv) an appropriate
20 person approved by the office upon a sufficient showing that no parent
21 or legal guardian is appropriate or available.

22 4. No person may be a designated caregiver if the person is under
23 twenty-one years of age unless a sufficient showing is made to the
24 office that the person should be permitted to serve as a designated
25 caregiver. The requirements for such a showing shall be determined by
26 the executive director.

27 5. No person may be a designated caregiver for more than five certi-
28 fied patients at one time.

1 6. If a certified patient wishes to change or terminate his or her
2 designated caregiver, for whatever reason, the certified patient shall
3 notify the office as soon as practicable. The office shall issue a
4 notification to the designated caregiver that their registration card is
5 invalid and must be promptly destroyed. The newly designated caregiver
6 must comply with all requirements set forth in this section.

7 7. If the certification so provides, the registry identification card
8 shall contain any recommendation or limitation by the practitioner as to
9 the form or forms of medical cannabis or dosage for the certified
10 patient.

11 8. The office shall issue separate registry identification cards for
12 certified patients and designated caregivers as soon as reasonably prac-
13 ticable after receiving a complete application under this section,
14 unless it determines that the application is incomplete or factually
15 inaccurate, in which case it shall promptly notify the applicant.

16 9. If the application of a certified patient designates an individual
17 as a designated caregiver who is not authorized to be a designated care-
18 giver, that portion of the application shall be denied by the office but
19 that shall not affect the approval of the balance of the application.

20 10. A registry identification card shall:

21 (a) contain the name of the certified patient or the designated care-
22 giver as the case may be;

23 (b) contain the date of issuance and expiration date of the registry
24 identification card;

25 (c) contain a registry identification number for the certified patient
26 or designated caregiver, as the case may be and a registry identifica-
27 tion number;

1 (d) contain a photograph of the individual to whom the registry iden-
2 tification card is being issued, which shall be obtained by the office
3 in a manner specified by the executive director in regulations;
4 provided, however, that if the office requires certified patients to
5 submit photographs for this purpose, there shall be a reasonable accom-
6 modation of certified patients who are confined to their homes due to
7 their medical conditions and may therefore have difficulty procuring
8 photographs;

9 (e) be a secure document as determined by the office;

10 (f) plainly state any recommendation or limitation by the practitioner
11 as to the form or forms of medical cannabis or dosage for the certified
12 patient; and

13 (g) any other requirements determined by the executive director.

14 11. A certified patient or designated caregiver who has been issued a
15 registry identification card shall notify the office of any change in
16 his or her name or address or, with respect to the patient, if he or she
17 ceases to have the serious condition noted on the certification within
18 ten days of such change. The certified patient's or designated
19 caregiver's registry identification card shall be deemed invalid and
20 shall be promptly destroyed.

21 12. If a certified patient or designated caregiver loses his or her
22 registry identification card, he or she shall notify the office within
23 ten days of losing the card. The office shall issue a new registry iden-
24 tification card as soon as practicable, which may contain a new registry
25 identification number, to the certified patient or designated caregiver,
26 as the case may be.

27 13. The office shall maintain a confidential list of the persons to
28 whom it has issued registry identification cards. Individual identifying

1 information obtained by the office under this article shall be confiden-
2 tial and exempt from disclosure under article six of the public officers
3 law. Notwithstanding this subdivision, the office may notify any appro-
4 priate law enforcement agency of information relating to any violation
5 or suspected violation of this article.

6 14. The office shall verify to law enforcement personnel in an appro-
7 priate case whether a registry identification card is valid.

8 15. If a certified patient or designated caregiver willfully violates
9 any provision of this article as determined by the executive director,
10 his or her certification and registry identification card may be
11 suspended or revoked. This is in addition to any other penalty that may
12 apply.

13 § 33. Registration as a designated caregiver facility. 1. To obtain,
14 amend or renew a registration as a designated caregiver facility, the
15 facility shall file a registry application with the office. The registry
16 application or renewal application shall include:

17 (a) the facility's full name and address;

18 (b) operating certificate or license number where appropriate;

19 (c) printed name, title, and signature of an authorized facility
20 representative;

21 (d) a statement that the facility agrees to secure and ensure proper
22 handling of all medical cannabis products;

23 (e) an acknowledgement that a false statement in the application is
24 punishable under section 210.45 of the penal law; and

25 (f) any other information that may be required by the executive direc-
26 tor.

27 2. Prior to issuing or renewing a designated caregiver facility regis-
28 tration, the office may verify the information submitted by the appli-

1 cant. The applicant shall provide, at the office's request, such infor-
2 mation and documentation, including any consents or authorizations that
3 may be necessary for the office to verify the information.

4 3. The office shall approve, deny or determine incomplete or inaccu-
5 rate an initial or renewal application within thirty days of receipt of
6 the application. If the application is approved within the 30-day peri-
7 od, the office shall issue a registration as soon as is reasonably prac-
8 ticable.

9 4. An applicant shall have thirty days from the date of a notification
10 of an incomplete or factually inaccurate application to submit the mate-
11 rials required to complete, revise or substantiate information in the
12 application. If the applicant fails to submit the required materials
13 within such thirty-day time period, the application shall be denied by
14 the office.

15 5. Registrations issued under this section shall remain valid for two
16 years from the date of issuance.

17 § 34. Registered organizations. 1. A registered organization shall be
18 a for-profit business entity or not-for-profit corporation organized for
19 the purpose of acquiring, possessing, manufacturing, selling, deliver-
20 ing, transporting, distributing or dispensing cannabis for certified
21 medical use.

22 2. The acquiring, possession, manufacture, sale, delivery, transport-
23 ing, distributing or dispensing of medical cannabis by a registered
24 organization under this article in accordance with its registration
25 under this article or a renewal thereof shall be lawful under this chap-
26 ter.

27 3. Each registered organization shall contract with an independent
28 laboratory permitted by the office to test the medical cannabis produced

1 by the registered organization. The executive director shall approve the
2 laboratory used by the registered organization and may require that the
3 registered organization use a particular testing laboratory.

4 4. (a) A registered organization may lawfully, in good faith, sell,
5 deliver, distribute or dispense medical cannabis to a certified patient
6 or designated caregiver upon presentation to the registered organization
7 of a valid registry identification card for that certified patient or
8 designated caregiver. When presented with the registry identification
9 card, the registered organization shall provide to the certified patient
10 or designated caregiver a receipt, which shall state: the name, address,
11 and registry identification number of the registered organization; the
12 name and registry identification number of the certified patient and the
13 designated caregiver, if any; the date the cannabis was sold; any recom-
14 mendation or limitation by the practitioner as to the form or forms of
15 medical cannabis or dosage for the certified patient; and the form and
16 the quantity of medical cannabis sold. The registered organization shall
17 retain a copy of the registry identification card and the receipt for
18 six years.

19 (b) The proprietor of a registered organization shall file or cause to
20 be filed any receipt and certification information with the office by
21 electronic means on a real-time basis as the executive director shall
22 require by regulation. When filing receipt and certification information
23 electronically pursuant to this paragraph, the proprietor of the regis-
24 tered organization shall dispose of any electronically recorded
25 prescription information in such manner as the executive director shall
26 by regulation require.

27 5. (a) No registered organization may sell, deliver, distribute or
28 dispense to any certified patient or designated caregiver a quantity of

1 medical cannabis larger than that individual would be allowed to possess
2 under this chapter.

3 (b) When dispensing medical cannabis to a certified patient or desig-
4 nated caregiver, the registered organization: (i) shall not dispense an
5 amount greater than a sixty-day supply to a certified patient until the
6 certified patient has exhausted all but a seven day supply provided
7 pursuant to a previously issued certification; and (ii) shall verify the
8 information in subparagraph (i) of this paragraph by consulting the
9 prescription monitoring program registry under this article.

10 (c) Medical cannabis dispensed to a certified patient or designated
11 caregiver by a registered organization shall conform to any recommenda-
12 tion or limitation by the practitioner as to the form or forms of
13 medical cannabis or dosage for the certified patient.

14 6. When a registered organization sells, delivers, distributes or
15 dispenses medical cannabis to a certified patient or designated caregiv-
16 er, it shall provide to that individual a safety insert, which will be
17 developed by the registered organization and approved by the executive
18 director and include, but not be limited to, information on:

- 19 (a) methods for administering medical cannabis in individual doses,
- 20 (b) any potential dangers stemming from the use of medical cannabis,
- 21 (c) how to recognize what may be problematic usage of medical cannabis
22 and obtain appropriate services or treatment for problematic usage, and
- 23 (d) other information as determined by the executive director.

24 7. Registered organizations shall not be managed by or employ anyone
25 who has been convicted of any felony other than for the sale or
26 possession of drugs, narcotics, or controlled substances, and provided
27 that this subdivision only applies to (a) managers or employees who come
28 into contact with or handle medical cannabis, and (b) a conviction less

1 than ten years, not counting time spent in incarceration, prior to being
2 employed, for which the person has not received a certificate of relief
3 from disabilities or a certificate of good conduct under article twen-
4 ty-three of the correction law.

5 8. Manufacturing of medical cannabis by a registered organization
6 shall only be done in an indoor, enclosed, secure facility located in
7 New York state, which may include a greenhouse. The executive director
8 shall promulgate regulations establishing requirements for such facili-
9 ties.

10 9. Dispensing of medical cannabis by a registered organization shall
11 only be done in an indoor, enclosed, secure facility located in New York
12 state, which may include a greenhouse. The executive director shall
13 promulgate regulations establishing requirements for such facilities.

14 10. A registered organization shall determine the quality, safety, and
15 clinical strength of medical cannabis manufactured or dispensed by the
16 registered organization, and shall provide documentation of that quali-
17 ty, safety and clinical strength to the office and to any person or
18 entity to which the medical cannabis is sold or dispensed.

19 11. A registered organization shall be deemed to be a "health care
20 provider" for the purposes of article two-D of article two of the public
21 health law.

22 12. Medical cannabis shall be dispensed to a certified patient or
23 designated caregiver in a sealed and properly labeled package. The
24 labeling shall contain: (a) the information required to be included in
25 the receipt provided to the certified patient or designated caregiver by
26 the registered organization; (b) the packaging date; (c) any applicable
27 date by which the medical cannabis should be used; (d) a warning stat-
28 ing, "This product is for medicinal use only. Women should not consume

1 during pregnancy or while breastfeeding except on the advice of the
2 certifying health care practitioner, and in the case of breastfeeding
3 mothers, including the infant's pediatrician. This product might impair
4 the ability to drive. Keep out of reach of children."; (e) the amount of
5 individual doses contained within; and (f) a warning that the medical
6 cannabis must be kept in the original container in which it was
7 dispensed.

8 13. The executive director is authorized to make rules and regulations
9 restricting the advertising and marketing of medical cannabis.

10 § 35. Registering of registered organizations. 1. Application for
11 initial registration. (a) An applicant for registration as a registered
12 organization under section thirty-four of this article shall include
13 such information prepared in such manner and detail as the executive
14 director may require, including but not limited to:

15 (i) a description of the activities in which it intends to engage as a
16 registered organization;

17 (ii) that the applicant:

18 (A) is of good moral character;

19 (B) possesses or has the right to use sufficient land, buildings, and
20 other premises, which shall be specified in the application, and equip-
21 ment to properly carry on the activity described in the application, or
22 in the alternative posts a bond of not less than two million dollars;

23 (C) is able to maintain effective security and control to prevent
24 diversion, abuse, and other illegal conduct relating to the cannabis;
25 and

26 (D) is able to comply with all applicable state laws and regulations
27 relating to the activities in which it intends to engage under the
28 registration;

1 (iii) that the applicant has entered into a labor peace agreement with
2 a bona fide labor organization that is actively engaged in representing
3 or attempting to represent the applicant's employees and the maintenance
4 of such a labor peace agreement shall be an ongoing material condition
5 of certification;

6 (iv) the applicant's status as a for-profit business entity or not-
7 for-profit corporation; and

8 (v) the application shall include the name, residence address and
9 title of each of the officers and directors and the name and residence
10 address of any person or entity that is a member of the applicant. Each
11 such person, if an individual, or lawful representative if a legal enti-
12 ty, shall submit an affidavit with the application setting forth:

13 (A) any position of management or ownership during the preceding ten
14 years of a ten per centum or greater interest in any other business,
15 located in or outside this state, manufacturing or distributing drugs;

16 (B) whether such person or any such business has been convicted of a
17 felony or had a registration or license suspended or revoked in any
18 administrative or judicial proceeding; and

19 (C) such other information as the executive director may reasonably
20 require.

21 2. The applicant shall be under a continuing duty to report to the
22 office any change in facts or circumstances reflected in the application
23 or any newly discovered or occurring fact or circumstance which is
24 required to be included in the application.

25 3. (a) The executive director shall grant a registration or amendment
26 to a registration under this section if he or she is satisfied that:

27 (i) the applicant will be able to maintain effective control against
28 diversion of cannabis;

1 (ii) the applicant will be able to comply with all applicable state
2 laws;

3 (iii) the applicant and its officers are ready, willing and able to
4 properly carry on the manufacturing or distributing activity for which a
5 registration is sought;

6 (iv) the applicant possesses or has the right to use sufficient land,
7 buildings and equipment to properly carry on the activity described in
8 the application;

9 (v) it is in the public interest that such registration be granted,
10 including but not limited to:

11 (A) whether the number of registered organizations in an area will be
12 adequate or excessive to reasonably serve the area;

13 (B) whether the registered organization is a minority and/or woman
14 owned business enterprise or a service-disabled veteran-owned business;

15 (C) whether the registered organization provides education and
16 outreach to practitioners;

17 (D) whether the registered organization promotes the research and
18 development of medical cannabis and patient outreach; and

19 (E) the affordability medical cannabis products offered by the regis-
20 tered organization;

21 (vi) the applicant and its managing officers are of good moral charac-
22 ter;

23 (vii) the applicant has entered into a labor peace agreement with a
24 bona fide labor organization that is actively engaged in representing or
25 attempting to represent the applicant's employees; and

26 (viii) the applicant satisfies any other conditions as determined by
27 the executive director.

1 (b) If the executive director is not satisfied that the applicant
2 should be issued a registration, he or she shall notify the applicant in
3 writing of those factors upon which the denial is based. Within thirty
4 days of the receipt of such notification, the applicant may submit a
5 written request to the executive director to appeal the decision.

6 (c) The fee for a registration under this section shall be an amount
7 determined by the office in regulations; provided, however, if the
8 registration is issued for a period greater than two years the fee shall
9 be increased, pro rata, for each additional month of validity.

10 (d) Registrations issued under this section shall be effective only
11 for the registered organization and shall specify:

12 (i) the name and address of the registered organization;

13 (ii) which activities of a registered organization are permitted by
14 the registration;

15 (iii) the land, buildings and facilities that may be used for the
16 permitted activities of the registered organization; and

17 (iv) such other information as the executive director shall reasonably
18 provide to assure compliance with this article.

19 (e) Upon application of a registered organization, a registration may
20 be amended to allow the registered organization to relocate within the
21 state or to add or delete permitted registered organization activities
22 or facilities. The fee for such amendment shall be two hundred fifty
23 dollars.

24 4. A registration issued under this section shall be valid for two
25 years from the date of issue, except that in order to facilitate the
26 renewals of such registrations, the executive director may upon the
27 initial application for a registration, issue some registrations which

1 may remain valid for a period of time greater than two years but not
2 exceeding an additional eleven months.

3 5. (a) An application for the renewal of any registration issued
4 under this section shall be filed with the office not more than six
5 months nor less than four months prior to the expiration thereof. A
6 late-filed application for the renewal of a registration may, in the
7 discretion of the executive director, be treated as an application for
8 an initial license.

9 (b) The application for renewal shall include such information
10 prepared in the manner and detail as the executive director may require,
11 including but not limited to:

12 (i) any material change in the circumstances or factors listed in
13 subdivision one of this section; and

14 (ii) every known charge or investigation, pending or concluded during
15 the period of the registration, by any governmental or administrative
16 agency with respect to:

17 (A) each incident or alleged incident involving the theft, loss, or
18 possible diversion of cannabis manufactured or distributed by the appli-
19 cant; and

20 (B) compliance by the applicant with the laws of the state with
21 respect to any substance listed in section thirty-three hundred six of
22 the public health law.

23 (c) An applicant for renewal shall be under a continuing duty to
24 report to the office any change in facts or circumstances reflected in
25 the application or any newly discovered or occurring fact or circum-
26 stance which is required to be included in the application.

27 (d) If the executive director is not satisfied that the registered
28 organization applicant is entitled to a renewal of the registration, he

1 or she shall within a reasonably practicable time as determined by the
2 executive director, serve upon the registered organization or its attor-
3 ney of record in person or by registered or certified mail an order
4 directing the registered organization to show cause why its application
5 for renewal should not be denied. The order shall specify in detail the
6 respects in which the applicant has not satisfied the executive director
7 that the registration should be renewed.

8 6. (a) The executive director shall renew a registration unless he or
9 she determines and finds that:

10 (i) the applicant is unlikely to maintain or be able to maintain
11 effective control against diversion;

12 (ii) the applicant is unlikely to comply with all state laws applica-
13 ble to the activities in which it may engage under the registration;

14 (iii) it is not in the public interest to renew the registration
15 because the number of registered organizations in an area is excessive
16 to reasonably serve the area; or

17 (iv) the applicant has either violated or terminated its labor peace
18 agreement.

19 (b) For purposes of this section, proof that a registered organiza-
20 tion, during the period of its registration, has failed to maintain
21 effective control against diversion, violates any provision of this
22 article, or has knowingly or negligently failed to comply with applica-
23 ble state laws relating to the activities in which it engages under the
24 registration, shall constitute grounds for suspension, termination or
25 limitation of the registered organization's registration or as deter-
26 mined by the executive director. The registered organization shall also
27 be under a continuing duty to report to the authority any material

1 change or fact or circumstance to the information provided in the regis-
2 tered organization's application.

3 7. The office may suspend or terminate the registration of a regis-
4 tered organization, on grounds and using procedures under this article
5 relating to a license, to the extent consistent with this article. The
6 authority shall suspend or terminate the registration in the event that
7 a registered organization violates or terminates the applicable labor
8 peace agreement. Conduct in compliance with this article which may
9 violate conflicting federal law, shall not be grounds to suspend or
10 terminate a registration.

11 8. The office shall begin issuing registrations for registered organ-
12 izations as soon as practicable after the certifications required by
13 this article are given.

14 9. The executive director shall register at least ten registered
15 organizations that manufacture medical cannabis with no more than four
16 dispensing sites wholly owned and operated by such registered organiza-
17 tion. The executive director shall ensure that such registered organiza-
18 tions and dispensing sites are geographically distributed across the
19 state. The executive director may register additional registered organ-
20 izations.

21 § 36. Expedited registration of registered organizations. 1. There is
22 hereby established in the office an emergency medical cannabis access
23 program, referred to in this section as the "program", under this
24 section. The purpose of the program is to expedite the availability of
25 medical cannabis to avoid suffering and loss of life, during the period
26 before full implementation of and production under this article, espe-
27 cially in the case of patients whose serious condition is progressive
28 and degenerative or is such that delay in the patient's medical use of

1 cannabis poses a serious risk to the patient's life or health. The
2 executive director shall implement the program as expeditiously as prac-
3 ticable, including by emergency regulation.

4 2. For the purposes of this section, and for specified limited times,
5 the executive director may waive or modify the requirements of this
6 article relating to registered organizations, consistent with the legis-
7 lative intent and purpose of this article and this section. Where an
8 entity seeking to be a registered organization under the program oper-
9 ates in a jurisdiction other than the state of New York, under licensure
10 or other governmental recognition of that jurisdiction, and the laws of
11 that jurisdiction are acceptable to the executive director as consistent
12 with the legislative intent and purpose of this article and this
13 section, then the executive director may accept that licensure or recog-
14 nition as wholly or partially satisfying the requirements of this arti-
15 cle, for purposes of the registration and operation of the registered
16 organization under the program and this section.

17 3. In considering an application for registration as a registered
18 organization under this section, the executive director shall give pref-
19 erence to the following:

20 (a) an applicant that is currently producing or providing or has a
21 history of producing or providing medical cannabis in another jurisdic-
22 tion in full compliance with the laws of the jurisdiction;

23 (b) an applicant that is able and qualified to both produce, distrib-
24 ute, and dispense medical cannabis to patients expeditiously; and

25 (c) an applicant that proposes a location or locations for dispensing
26 by the registered organization, which ensure, to the greatest extent
27 possible, that certified patients have access to a registered organiza-
28 tion.

1 4. The executive director may make regulations under this section:

2 (a) limiting registered organizations registered under this section;

3 or

4 (b) limiting the allowable levels of cannabidiol and tetrahydrocanna-
5 binol that may be contained in medical cannabis authorized under this
6 article, based on therapeutics and patient safety.

7 5. A registered organization under this section may apply under this
8 article to receive or renew registration.

9 § 37. Reports of registered organizations. 1. The executive director
10 shall, by regulation, require each registered organization to file
11 reports by the registered organization during a particular period. The
12 executive director shall determine the information to be reported and
13 the forms, time, and manner of the reporting.

14 2. The executive director shall, by regulation, require each regis-
15 tered organization to adopt and maintain security, tracking, record
16 keeping, record retention and surveillance systems, relating to all
17 medical cannabis at every stage of acquiring, possession, manufacture,
18 sale, delivery, transporting, distributing, or dispensing by the regis-
19 tered organization, subject to regulations of the executive director.

20 § 38. Evaluation; research programs; report by office. 1. The execu-
21 tive director may provide for the analysis and evaluation of the opera-
22 tion of this title. The executive director may enter into agreements
23 with one or more persons, not-for-profit corporations or other organiza-
24 tions, for the performance of an evaluation of the implementation and
25 effectiveness of this title.

26 2. The office may develop, seek any necessary federal approval for,
27 and carry out research programs relating to medical use of cannabis.

1 Participation in any such research program shall be voluntary on the
2 part of practitioners, patients, and designated caregivers.

3 3. The office shall report every two years, beginning two years after
4 the effective date of this chapter, to the governor and the legislature
5 on the medical use of cannabis under this title and make appropriate
6 recommendations.

7 § 39. Cannabis research license. 1. The executive director shall
8 establish a cannabis research license that permits a licensee to
9 produce, process, purchase and possess cannabis for the following limit-
10 ed research purposes:

11 (a) to test chemical potency and composition levels;

12 (b) to conduct clinical investigations of cannabis-derived drug
13 products;

14 (c) to conduct research on the efficacy and safety of administering
15 cannabis as part of medical treatment; and

16 (d) to conduct genomic or agricultural research.

17 2. As part of the application process for a cannabis research license,
18 an applicant must submit to the office a description of the research
19 that is intended to be conducted as well as the amount of cannabis to be
20 grown or purchased. The office shall review an applicant's research
21 project and determine whether it meets the requirements of subsection
22 one of this section. In addition, the office shall assess the applica-
23 tion based on the following criteria:

24 (a) project quality, study design, value, and impact;

25 (b) whether the applicant has the appropriate personnel, expertise,
26 facilities and infrastructure, funding, and human, animal, or other
27 approvals in place to successfully conduct the project; and

1 (c) whether the amount of cannabis to be grown or purchased by the
2 applicant is consistent with the project's scope and goals. If the
3 office determines that the research project does not meet the require-
4 ments of subsection one of this section, the application must be denied.

5 3. A cannabis research licensee may only sell cannabis grown or within
6 its operation to other cannabis research licensees. The office may
7 revoke a cannabis research license for violations of this subsection.

8 4. A cannabis research licensee may contract with the higher education
9 institutions to perform research in conjunction with the university. All
10 research projects, entered into under this section must be approved by
11 the office and meet the requirements of subsection one of this section.

12 5. In establishing a cannabis research license, the executive director
13 may adopt regulations on the following:

14 (a) application requirements;

15 (b) cannabis research license renewal requirements, including whether
16 additional research projects may be added or considered;

17 (c) conditions for license revocation;

18 (d) security measures to ensure cannabis is not diverted to purposes
19 other than research;

20 (e) amount of plants, useable cannabis, cannabis concentrates, or
21 cannabis-infused products a licensee may have on its premises;

22 (f) licensee reporting requirements;

23 (g) conditions under which cannabis grown by licensed cannabis produc-
24 ers and other product types from licensed cannabis processors may be
25 donated to cannabis research licensees; and

26 (h) any additional requirements deemed necessary by the office.

27 6. A cannabis research license issued pursuant to this section must be
28 issued in the name of the applicant, specify the location at which the

1 cannabis researcher intends to operate, which must be within the state
2 of New York, and the holder thereof may not allow any other person to
3 use the license.

4 7. The application fee for a cannabis research license shall be deter-
5 mined by the executive director on an annual basis.

6 8. Each cannabis research licensee shall issue an annual report to the
7 office. The office shall review such report and make a determination as
8 to whether the research project continues to meet the research quali-
9 fications under this section.

10 § 40. Registered organizations and adult-use cannabis. 1. The execu-
11 tive director shall have the authority to grant some or all of the
12 registered organizations previously registered with the department of
13 health and currently registered and in good standing with the office,
14 the ability to be licensed to cultivate, process, distribute and sell
15 adult-use cannabis and cannabis products, pursuant to any fees, rules or
16 conditions prescribed by the executive director in regulation, but
17 exempt from the restrictions on licensed adult-use cultivators, process-
18 ors, and distributors from having any ownership interest in a licensed
19 adult-use retail dispensary pursuant to article four of this chapter.

20 2. The office shall have the authority to hold a competitive bidding
21 process, including an auction, to determine the registered
22 organization(s) authorized to be licensed to cultivate, process,
23 distribute and sell adult-use cannabis and to collect the fees generated
24 from such auction to administer incubators and low or zero-interest
25 loans to qualified social equity applicants. The timing and manner in
26 which registered organizations may be granted such authority shall be
27 determined by the executive director in regulation.

1 3. Alternatively, registered organizations may apply for licensure as
2 an adult-use cannabis cultivator, adult-use cannabis processor, and
3 adult-use cannabis distributor, or apply for licensure as an adult-use
4 cannabis retail dispensary, subject to all of the restrictions and limi-
5 tations set forth in article four of this chapter.

6 § 41. Home cultivation of medical cannabis. 1. Certified patients and
7 their designated caregiver(s) twenty-one years of age or older may apply
8 for registration with the office to grow, possess or transport no more
9 than four cannabis plants per certified patient with no more than eight
10 cannabis plants per household.

11 2. All medical cannabis cultivated at home must be grown in an
12 enclosed, locked space, not open or viewable to the public. Such homeg-
13 rown medical cannabis must only be for use by the certified patient and
14 may not be distributed, sold, or gifted.

15 3. The executive director shall develop rules and regulations govern-
16 ing this section.

17 § 42. Relation to other laws. 1. The provisions of this article shall
18 apply, except that where a provision of this article conflicts with
19 another provision of this chapter, this article shall apply.

20 2. Medical cannabis shall not be deemed to be a "drug" for purposes of
21 article one hundred thirty-seven of the education law.

22 § 43. Protections for the medical use of cannabis. 1. Certified
23 patients, designated caregivers, designated caregiver facilities, prac-
24 titioners, registered organizations and the employees of registered
25 organizations, and cannabis researchers shall not be subject to arrest,
26 prosecution, or penalty in any manner, or denied any right or privilege,
27 including but not limited to civil penalty or disciplinary action by a
28 business or occupational or professional licensing board or bureau,

1 solely for the certified medical use or manufacture of cannabis, or for
2 any other action or conduct in accordance with this article.

3 2. Being a certified patient shall be deemed to be having a "disabili-
4 ty" under article fifteen of the executive law, section forty-c of the
5 civil rights law, sections 240.00, 485.00, and 485.05 of the penal law,
6 and section 200.50 of the criminal procedure law. This subdivision shall
7 not bar the enforcement of a policy prohibiting an employee from
8 performing his or her employment duties while impaired by a controlled
9 substance. This subdivision shall not require any person or entity to do
10 any act that would put the person or entity in direct violation of
11 federal law or cause it to lose a federal contract or funding.

12 3. The fact that a person is a certified patient and/or acting in
13 accordance with this article, shall not be a consideration in a proceed-
14 ing pursuant to applicable sections of the domestic relations law, the
15 social services law and the family court act.

16 4. (a) Certification applications, certification forms, any certified
17 patient information contained within a database, and copies of registry
18 identification cards shall be deemed exempt from public disclosure under
19 sections eighty-seven and eighty-nine of the public officers law.

20 (b) The name, contact information, and other information relating to
21 practitioners registered with the office under this article shall be
22 public information and shall be maintained by the executive director on
23 the office's website accessible to the public in searchable form. Howev-
24 er, if a practitioner notifies the office in writing that he or she does
25 not want his or her name and other information disclosed, that practi-
26 tioner's name and other information shall thereafter not be public
27 information or maintained on the office's website, unless the practi-
28 tioner cancels the request.

1 § 44. Regulations. The executive director shall make regulations to
2 implement this article.

3 § 45. Suspend; terminate. Based upon the recommendation of the execu-
4 tive director and/or the superintendent of state police that there is a
5 risk to the public health or safety, the governor may immediately termi-
6 nate all licenses issued to registered organizations.

7 § 46. Pricing. 1. Every sale of medical cannabis shall be at or below
8 the price approved by the executive director. Every charge made or
9 demanded for medical cannabis not in accordance with the price approved
10 by the executive director, is prohibited.

11 2. The executive director is hereby authorized to set the per dose
12 price of each form of medical cannabis sold by any registered organiza-
13 tion. In reviewing the per dose price of each form of medical cannabis,
14 the executive director may consider the fixed and variable costs of
15 producing the form of cannabis and any other factor the executive direc-
16 tor, in his or her discretion, deems relevant in reviewing the per dose
17 price of each form of medical cannabis.

18 § 47. Severability. If any clause, sentence, paragraph, section or
19 part of this article shall be adjudged by any court of competent juris-
20 diction to be invalid, the judgment shall not affect, impair, or invali-
21 date the remainder thereof, but shall be confined in its operation to
22 the clause, sentence, paragraph, section or part thereof directly
23 involved in the controversy in which the judgment shall have been
24 rendered.

25 ARTICLE 4

26 ADULT-USE CANNABIS

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- 4 63. Fees.
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- 17 74. On-site consumption license; provisions governing on-site
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- 23 78. Packaging and labeling of adult-use cannabis products.
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- 28 82. Provisions governing adult-use cannabis retail dispensaries.

1 83. Adult-use cannabis advertising.

2 84. Minority, women-owned businesses and disadvantaged farmers;
3 incubator program.

4 85. Collective bargaining.

5 86. Regulations.

6 § 60. Licenses issued. The following kinds of licenses shall be
7 issued by the executive director for the cultivation, processing,
8 distribution and sale of cannabis to cannabis consumers:

- 9 1. Adult-use cultivator license;
 - 10 2. Adult-use processor license;
 - 11 3. Adult-use cooperative license;
 - 12 4. Adult-use distributor license;
 - 13 5. Adult-use retail dispensary license;
 - 14 6. On-site consumption license; and
 - 15 7. Any other type of license as prescribed by the executive director
- 16 in regulation.

17 § 61. License Application. 1. Any person may apply to the office for
18 a license to cultivate, process, distribute or dispense cannabis within
19 this state for sale. Such application shall be in writing and verified
20 and shall contain such information as the office shall require. Such
21 application shall be accompanied by a check or draft for the amount
22 required by this article for such license. If the office shall approve
23 the application, it shall issue a license in such form as shall be
24 determined by its rules. Such license shall contain a description of the
25 licensed premises and in form and in substance shall be a license to the
26 person therein specifically designated to cultivate, process, distribute
27 or dispense cannabis in the premises therein specifically licensed.

1 2. Except as otherwise provided in this article, a separate license
2 shall be required for each facility at which cultivation, processing,
3 distribution or retail dispensing is conducted.

4 3. An applicant shall not be denied a license under this article based
5 solely on a conviction for a violation of article two hundred twenty or
6 section 240.36 of the penal law, prior to the date article two hundred
7 twenty-one of the penal law took effect, or a conviction for a violation
8 of article two hundred twenty-one of the penal law after the effective
9 date of this chapter.

10 § 62. Information to be requested in applications for licenses. 1.
11 The office shall have the authority to prescribe the manner and form in
12 which an application must be submitted to the office for licensure under
13 this article.

14 2. The executive director is authorized to adopt regulations, includ-
15 ing by emergency rule, establishing information which must be included
16 on an application for licensure under this article. Such information may
17 include, but is not limited to: information about the applicant's iden-
18 tity, including racial and ethnic diversity; ownership and investment
19 information, including the corporate structure; evidence of good moral
20 character, including the submission of fingerprints by the applicant to
21 the division of criminal justice services; information about the prem-
22 ises to be licensed; financial statements; and any other information
23 prescribed by in regulation.

24 3. All license applications shall be signed by the applicant (if an
25 individual), by a managing partner (if a limited liability corporation),
26 by an officer (if a corporation), or by all partners (if a partnership).
27 Each person signing such application shall verify it or affirm it as
28 true under the penalties of perjury.

1 4. All license or permit applications shall be accompanied by a check,
2 draft or other forms of payment as the office may require or authorize
3 in the amount required by this article for such license or permit.

4 5. If there be any change, after the filing of the application or the
5 granting of a license, in any of the facts required to be set forth in
6 such application, a supplemental statement giving notice of such change,
7 cost and source of money involved in the change, duly verified, shall be
8 filed with the office within ten days after such change. Failure to do
9 so shall, if willful and deliberate, be cause for revocation of the
10 license.

11 6. In giving any notice, or taking any action in reference to a regis-
12 tered organization or licensee of a licensed premises, the office may
13 rely upon the information furnished in such application and in any
14 supplemental statement connected therewith, and such information may be
15 presumed to be correct, and shall be binding upon a registered organiza-
16 tions, licensee or licensed premises as if correct. All information
17 required to be furnished in such application or supplemental statements
18 shall be deemed material in any prosecution for perjury, any proceeding
19 to revoke, cancel or suspend any license, and in the office's determi-
20 nation to approve or deny the license.

21 7. The office may, in its discretion, waive the submission of any
22 category of information described in this section for any category of
23 license or permit, provided that it shall not be permitted to waive the
24 requirement for submission of any such category of information solely
25 for an individual applicant or applicants.

26 § 63. Fees. 1. The office shall have the authority to charge appli-
27 cants for licensure under this article a non-refundable application fee
28 and/or to auction licenses to bidders determined by the office to be

1 qualified for such licensure based on the selection criteria in section
2 sixty-four of this article. Such fee may be based on the type of licen-
3 sure sought, cultivation and/or production volume, or any other factors
4 deemed reasonable and appropriate by the office to achieve the policy
5 and purpose of this chapter.

6 2. The office shall have the authority to charge licensees a biennial
7 license fee. Such fee shall be based on the amount of cannabis to be
8 cultivated, processed, distributed and/or dispensed by the licensee or
9 the gross annual receipts of the licensee for the previous license peri-
10 od, and any other factors deemed reasonable and appropriate by the
11 office.

12 § 64. Selection criteria. 1. The executive director shall develop
13 regulations for determining whether or not an applicant should be grant-
14 ed the privilege of an adult-use cannabis license, based on, but not
15 limited to, the following criteria:

16 (a) the applicant will be able to maintain effective control against
17 the illegal diversion of cannabis;

18 (b) the applicant will be able to comply with all applicable state
19 laws and regulations;

20 (c) the applicant and its officers are ready, willing, and able to
21 properly carry on the activities for which a license is sought;

22 (d) the applicant possesses or has the right to use sufficient land,
23 buildings, and equipment to properly carry on the activity described in
24 the application;

25 (e) it is in the public interest that such license be granted, taking
26 into consideration, but not limited to, the following criteria:

27 (i) that it is a privilege, and not a right, to cultivate, process,
28 distribute, and sell cannabis;

1 (ii) the number, classes, and character of other licenses in proximity
2 to the location and in the particular municipality or subdivision there-
3 of;

4 (iii) evidence that all necessary licenses and permits have been
5 obtained from the state and all other governing bodies;

6 (iv) effect of the grant of the license on pedestrian or vehicular
7 traffic, and parking, in proximity to the location;

8 (v) the existing noise level at the location and any increase in noise
9 level that would be generated by the proposed premises;

10 (vi) the history of violations under the alcoholic beverage control
11 law or the cannabis law at the location, as well as any pattern of
12 violations under the alcoholic beverage control law or the cannabis law,
13 and reported criminal activity at the proposed premises;

14 (vii) the effect on the production, price and availability of cannabis
15 and cannabis products; and

16 (viii) any other factors specified by law or regulation that are rele-
17 vant to determine that granting a license would promote public conven-
18 ience and advantage and the public interest of the community;

19 (f) the applicant and its managing officers are of good moral charac-
20 ter and do not have an ownership or controlling interest in more
21 licenses or permits than allowed by this chapter;

22 (g) the applicant has entered into a labor peace agreement with a
23 bona-fide labor organization that is actively engaged in representing or
24 attempting to represent the applicant's employees. In evaluating appli-
25 cations from entities with twenty-five or more employees, the office
26 shall give priority to applicants that are a party to a collective
27 bargaining agreement with a bona-fide labor organization in New York or

1 in another state, or uses union labor to construct its licensed facili-
2 ty;

3 (h) the applicant will contribute to communities and people dispropor-
4 tionately harmed by cannabis law enforcement;

5 (i) if the application is for an adult-use cultivator license, the
6 environmental impact of the facility to be licensed; and

7 (j) the applicant satisfies any other conditions as determined by the
8 executive director.

9 2. If the executive director is not satisfied that the applicant
10 should be issued a license, the executive director shall notify the
11 applicant in writing of the specific reason or reasons for denial.

12 3. The executive director shall have authority and sole discretion to
13 determine the number of licenses issued pursuant to this article.

14 § 65. Limitations of licensure; duration. 1. No license of any kind
15 may be issued to a person under the age of twenty-one years, nor shall
16 any licensee employ anyone under the age of twenty-one years.

17 2. No person shall sell, deliver, or give away or cause or permit or
18 procure to be sold, delivered or given away any cannabis to any person,
19 actually or apparently, under the age of twenty-one years, any visibly
20 intoxicated person, or any habitually intoxicated person known to be
21 such by the person authorized to manufacture, traffic, or sell any
22 cannabis.

23 3. The office shall have the authority to limit, by canopy, plant
24 count, square footage or other means, the amount of cannabis allowed to
25 be grown, processed, distributed or sold by a licensee.

26 4. All licenses under this article shall expire two years after the
27 date of issue.

1 § 66. License renewal. 1. Each license, issued pursuant to this arti-
2 cle, may be renewed upon application therefore by the licensee and the
3 payment of the fee for such license as prescribed by this article. In
4 the case of applications for renewals, the office may dispense with the
5 requirements of such statements as it deems unnecessary in view of those
6 contained in the application made for the original license, but in any
7 event the submission of photographs of the licensed premises shall be
8 dispensed with, provided the applicant for such renewal shall file a
9 statement with the office to the effect that there has been no alter-
10 ation of such premises since the original license was issued. The office
11 may make such rules as it deems necessary, not inconsistent with this
12 chapter, regarding applications for renewals of licenses and permits and
13 the time for making the same.

14 2. Each applicant must submit to the office documentation of the
15 racial, ethnic, and gender diversity of the applicant's employees and
16 owners prior to a license being renewed. In addition, the office may
17 create a social responsibility framework agreement and make the adher-
18 ence to such agreement a conditional requirement of license renewal.

19 3. The office shall provide an application for renewal of a license
20 issued under this article not less than ninety days prior to the expira-
21 tion of the current license.

22 4. The office may only issue a renewal license upon receipt of the
23 prescribed renewal application and renewal fee from a licensee if, in
24 addition to the criteria in this section, the licensee's license is not
25 under suspension and has not been revoked.

26 § 67. Amendments; changes in ownership and organizational structure.

27 1. Licenses issued pursuant to this article shall specify:

28 (a) the name and address of the licensee;

1 (b) the activities permitted by the license;

2 (c) the land, buildings and facilities that may be used for the
3 licensed activities of the licensee;

4 (d) a unique license number issued by the office to the licensee; and

5 (e) such other information as the executive director shall deem neces-
6 sary to assure compliance with this chapter.

7 2. Upon application of a licensee to the office, a license may be
8 amended to allow the licensee to relocate within the state, to add or
9 delete licensed activities or facilities, or to amend the ownership or
10 organizational structure of the entity that is the licensee. The fee for
11 such amendment shall be two hundred fifty dollars.

12 3. A license shall become void by a change in ownership, substantial
13 corporate change or location without prior written approval of the exec-
14 utive director. The executive director may promulgate regulations allow-
15 ing for certain types of changes in ownership without the need for prior
16 written approval.

17 4. For purposes of this section, "substantial corporate change" shall
18 mean:

19 (a) for a corporation, a change of eighty percent or more of the offi-
20 cers and/or directors, or a transfer of eighty percent or more of stock
21 of such corporation, or an existing stockholder obtaining eighty percent
22 or more of the stock of such corporation; or

23 (b) for a limited liability company, a change of eighty percent or
24 more of the managing members of the company, or a transfer of eighty
25 percent or more of ownership interest in said company, or an existing
26 member obtaining a cumulative of eighty percent or more of the ownership
27 interest in said company.

1 § 68. Adult-use cultivator license. 1. An adult-use cultivator's
2 license shall authorize the acquisition, possession, cultivation and
3 sale of cannabis from the licensed premises of the adult-use cultivator
4 by such licensee to duly licensed processors in this state. The execu-
5 tive director may establish regulations allowing licensed adult-use
6 cultivators to perform certain types of minimal processing without the
7 need for an adult-use processor license.

8 2. For purposes of this section, cultivation shall include, but not be
9 limited to, the planting, growing, cloning, harvesting, drying, curing,
10 grading and trimming of cannabis.

11 3. A person holding an adult-use cultivator's license may apply for,
12 and obtain, one processor's license and one distributor's license.

13 4. A person holding an adult-use cultivator's license may not also
14 hold a retail dispensary license pursuant to this article and no adult-
15 use cannabis cultivator shall have a direct or indirect interest,
16 including by stock ownership, interlocking directors, mortgage or lien,
17 personal or real property, or any other means, in any premises licensed
18 as an adult-use cannabis retail dispensary or in any business licensed
19 as an adult-use cannabis retail dispensary pursuant to this article.

20 5. A person holding an adult-use cultivator's license may not hold a
21 license to distribute cannabis under this article unless the licensed
22 cultivator is also licensed as a processor under this article.

23 6. No person may have a direct or indirect financial or controlling
24 interest in more than one adult-use cultivator license issued pursuant
25 to this chapter.

26 7. The executive director shall have the authority to issue microbusi-
27 ness cultivator licenses, allowing microbusiness licensees to cultivate,
28 process, and distribute adult-use cannabis direct to licensed cannabis

1 retailers, under a single license. The executive director shall estab-
2 lish through regulation a production limit of total cannabis cultivated,
3 processed and/or distributed annually for microbusiness cultivator
4 licenses.

5 § 69. Adult-use processor license. 1. A processor's license shall
6 authorize the acquisition, possession, processing and sale of cannabis
7 from the licensed premises of the adult-use cultivator by such licensee
8 to duly licensed distributors.

9 2. For purposes of this section, processing shall include, but not be
10 limited to, blending, extracting, infusing, packaging, labeling, brand-
11 ing and otherwise making or preparing cannabis products. Processing
12 shall not include the cultivation of cannabis.

13 3. No processor shall be engaged in any other business on the premises
14 to be licensed; except that nothing contained in this chapter shall
15 prevent a cannabis cultivator, cannabis processor, and cannabis distrib-
16 utor from operating on the same premises and from a person holding all
17 three licenses.

18 4. No cannabis processor licensee may hold more than three cannabis
19 processor licenses.

20 5. No adult-use cannabis processor shall have a direct or indirect
21 interest, including by stock ownership, interlocking directors, mortgage
22 or lien, personal or real property, or any other means, in any premises
23 licensed as an adult-use cannabis retail dispensary or in any business
24 licensed as an adult-use cannabis retail dispensary pursuant to this
25 article.

26 § 70. Adult-use cooperative license. 1. A cooperative license shall
27 authorize the acquisition, possession, cultivation, processing and sale
28 from the licensed premises of the adult-use cooperative by such licensee

1 to duly licensed distributors and/or retail dispensaries; but not
2 directly to cannabis consumers.

3 2. To be licensed as an adult-use cooperative, the cooperative must:

4 (i) be comprised of residents of the state of New York as a limited
5 liability company or limited liability partnership under the laws of the
6 state, or an appropriate business structure as determined by the execu-
7 tive director;

8 (ii) at least one member of the cooperative must have filed a Federal
9 Schedule F (Form 1040) for three of the past five years; and

10 (iii) the cooperative must operate according to the seven cooperative
11 principles published by the International Cooperative Alliance in nine-
12 teen hundred ninety-five.

13 3. No person shall be a member of more than one adult-use cooperative
14 licensed pursuant to this section.

15 4. No person or member of an adult-use cooperative license may have a
16 direct or indirect financial or controlling interest in any other
17 adult-use cannabis license issued pursuant to this chapter.

18 5. No adult-use cannabis cooperative shall have a direct or indirect
19 interest, including by stock ownership, interlocking directors, mortgage
20 or lien, personal or real property, or any other means, in any premises
21 licensed as an adult-use cannabis retail dispensary or in any business
22 licensed as an adult-use cannabis retail dispensary pursuant to this
23 article.

24 6. The executive director shall promulgate regulations governing coop-
25 erative licenses, including, but not limited to, the establishment of
26 canopy limits on the size and scope of cooperative licensees, and other
27 measures designed to incentivize the use and licensure of cooperatives.

1 § 71. Adult-use distributor license. 1. A distributor's license shall
2 authorize the acquisition, possession, distribution and sale of cannabis
3 from the licensed premises of a licensed adult-use processor, microbusi-
4 ness cultivator, or registered organization authorized to sell adult-use
5 cannabis, to duly licensed retail dispensaries.

6 2. No distributor shall have a direct or indirect economic interest in
7 any adult-use retail dispensary licensed pursuant to this article, or in
8 any registered organization registered pursuant to article three of this
9 chapter. This restriction shall not prohibit a registered organization
10 authorized pursuant to section forty of this chapter, from being granted
11 licensure by the office to distribute adult-use cannabis products culti-
12 vated and processed by the registered organization to the registered
13 organization's own licensed adult-use retail dispensaries.

14 3. Nothing in subdivision two of this section shall prevent a distrib-
15 utor from charging an appropriate fee for the distribution of cannabis,
16 including based on the volume of cannabis distributed.

17 § 72. Adult-use retail dispensary license. 1. A retail dispensary
18 license shall authorize the acquisition, possession and sale of cannabis
19 from the licensed premises of the retail dispensary by such licensee to
20 cannabis consumers.

21 2. No person may have a direct or indirect financial or controlling
22 interest in more than three retail dispensary licenses issued pursuant
23 to this chapter. This restriction shall not prohibit a registered organ-
24 ization, authorized pursuant to section forty of this chapter, from
25 being granted licensure by the office to sell adult-use cannabis at
26 locations previously registered by the department of health and in oper-
27 ation as of April first, two thousand nineteen; subject to any condi-
28 tions, limitations or restrictions established by the office.

1 3. No person holding a retail dispensary license may also hold an
2 adult-use cultivation, processor, microbusiness cultivator, cooperative
3 or distributor license pursuant to this article.

4 4. No retail license shall be granted for any premises, unless the
5 applicant shall be the owner thereof, or shall be in possession of said
6 premises under a lease, management agreement or other agreement giving
7 the applicant control over the premises, in writing, for a term not less
8 than the license period.

9 5. No premises shall be licensed to sell cannabis products, unless
10 said premises shall be located in a store, the principal entrance to
11 which shall be from the street level and located on a public thorough-
12 fare in premises which may be occupied, operated or conducted for busi-
13 ness, trade or industry or on an arcade or sub-surface thoroughfare
14 leading to a railroad terminal.

15 6. No cannabis retail license shall be granted for any premises where
16 a licensee would not be allowed to sell at retail for consumption of
17 alcohol off the premises based on its proximity to a building occupied
18 exclusively as a school, church, synagogue or other place of worship
19 pursuant to the provisions of section one hundred five of the alcohol
20 beverage control law.

21 § 73. Notification to municipalities of adult-use retail dispensary.

22 1. Not less than thirty days nor more than two hundred seventy days
23 before filing an application for licensure as an adult-use cannabis
24 retail dispensary, an applicant shall notify the municipality in which
25 the premises is located of such applicant's intent to file such an
26 application.

1 2. Such notification shall be made to the clerk of the village, town
2 or city, as the case may be, wherein the premises is located. For
3 purposes of this section:

4 (a) notification need only be given to the clerk of a village when the
5 premises is located within the boundaries of the village, town or city;
6 and

7 (b) in the city of New York, the community board established pursuant
8 to section twenty-eight hundred of the New York city charter with juris-
9 diction over the area in which the premises is located shall be consid-
10 ered the appropriate public body to which notification shall be given.

11 3. Such notification shall be made in such form as shall be prescribed
12 by the rules of the office.

13 4. A municipality may express an opinion for or against the granting
14 of such application. Any such opinion shall be deemed part of the record
15 upon which the office makes its determination to grant or deny the
16 application.

17 5. Such notification shall be made by: (a) certified mail, return
18 receipt requested; (b) overnight delivery service with proof of mailing;
19 or (c) personal service upon the offices of the clerk or community
20 board.

21 6. The office shall require such notification to be on a standardized
22 form that can be obtained on the internet or from the office and such
23 notification to include:

24 (a) the trade name or "doing business as" name, if any, of the estab-
25 lishment;

26 (b) the full name of the applicant;

27 (c) the street address of the establishment, including the floor
28 location or room number, if applicable;

1 (d) the mailing address of the establishment, if different than the
2 street address;

3 (e) the name, address and telephone number of the attorney or repre-
4 sentative of the applicant, if any;

5 (f) a statement indicating whether the application is for:

6 (i) a new establishment;

7 (ii) a transfer of an existing licensed business;

8 (iii) a renewal of an existing license; or

9 (iv) an alteration of an existing licensed premises;

10 (g) if the establishment is a transfer or previously licensed prem-
11 ises, the name of the old establishment and such establishment's regis-
12 tration or license number;

13 (h) in the case of a renewal or alteration application, the registra-
14 tion or license number of the applicant; and

15 (i) the type of license.

16 § 74. On-site consumption license; provisions governing on-site
17 consumption licenses. 1. No licensed adult-use cannabis retail dispen-
18 sary shall be granted a cannabis on-site consumption license for any
19 premises, unless the applicant shall be the owner thereof, or shall be
20 in possession of said premises under a lease, in writing, for a term not
21 less than the license period except, however, that such license may
22 thereafter be renewed without the requirement of a lease as provided in
23 this section. This subdivision shall not apply to premises leased from
24 government agencies, as defined under subdivision twenty of section
25 three of this chapter; provided, however, that the appropriate adminis-
26 trator of such government agency provides some form of written documen-
27 tation regarding the terms of occupancy under which the applicant is
28 leasing said premises from the government agency for presentation to the

1 office at the time of the license application. Such documentation shall
2 include the terms of occupancy between the applicant and the government
3 agency, including, but not limited to, any short-term leasing agreements
4 or written occupancy agreements.

5 2. No adult-use cannabis retail dispensary shall be granted a cannabis
6 on-site consumption license for any premises where a license would not
7 be allowed to sell at retail for consumption of alcohol on the premises
8 based on its proximity to a building occupied exclusively as a school,
9 church, synagogue or other place of worship pursuant to the provisions
10 of section one hundred five of the alcoholic beverage control law.

11 3. The office may consider any or all of the following in determining
12 whether public convenience and advantage and the public interest will be
13 promoted by the granting of a license for an on-site cannabis consump-
14 tion at a particular location:

15 (a) that it is a privilege, and not a right, to cultivate, process,
16 distribute, and sell cannabis;

17 (b) the number, classes, and character of other licenses in proximity
18 to the location and in the particular municipality or subdivision there-
19 of;

20 (c) evidence that all necessary licenses and permits have been
21 obtained from the state and all other governing bodies;

22 (d) effect of the grant of the license on pedestrian or vehicular
23 traffic, and parking, in proximity to the location;

24 (e) the existing noise level at the location and any increase in noise
25 level that would be generated by the proposed premises;

26 (f) the history of violations under the alcoholic beverage control law
27 or this chapter at the location, as well as any pattern of violations

1 under the alcoholic beverage control law or this chapter, and reported
2 criminal activity at the proposed premises; and

3 (g) any other factors specified by law or regulation that are relevant
4 to determine that granting a license would promote public convenience
5 and advantage and the public interest of the community;

6 4. If the office shall disapprove an application for an on-site
7 consumption license, it shall state and file in its offices the reasons
8 therefor and shall notify the applicant thereof. Such applicant may
9 thereupon apply to the office for a review of such action in a manner to
10 be prescribed by the rules of the office.

11 5. No adult-use cannabis on-site consumption licensee shall keep upon
12 the licensed premises any adult-use cannabis products except those
13 purchased from a licensed distributor, microbusiness cultivator or
14 registered organization authorized to sell adult-use cannabis, and only
15 in containers approved by the office. Such containers shall have affixed
16 thereto such labels as may be required by the rules of the office. No
17 cannabis retail licensee for on-site consumption shall reuse, refill,
18 tamper with, adulterate, dilute or fortify the contents of any container
19 of cannabis products as received from the manufacturer or distributor.

20 6. No cannabis on-site consumption licensee shall sell, deliver or
21 give away, or cause or permit or procure to be sold, delivered or given
22 away any cannabis for consumption on the premises where sold in a
23 container or package containing more than one gram of cannabis.

24 7. Except where a permit to do so is obtained pursuant to section
25 405.10 of the penal law, no cannabis on-site consumption licensee shall
26 suffer, permit, or promote an event on its premises wherein any person
27 shall use, explode, or cause to explode, any fireworks or other pyro-
28 technics in a building as defined in paragraph e of subdivision one of

1 section 405.10 of the penal law, that is covered by such license or
2 possess such fireworks or pyrotechnics for such purpose. In addition to
3 any other penalty provided by law, a violation of this subdivision shall
4 constitute an adequate ground for instituting a proceeding to suspend,
5 cancel, or revoke the license of the violator in accordance with the
6 applicable procedures specified in this chapter; provided however, if
7 more than one licensee is participating in a single event, upon approval
8 by the office, only one licensee must obtain such permit.

9 8. No premises licensed to sell adult-use cannabis for on-site
10 consumption under this chapter shall be permitted to have any opening or
11 means of entrance or passageway for persons or things between the
12 licensed premises and any other room or place in the building containing
13 the licensed premises, or any adjoining or abutting premises, unless
14 ingress and egress is restricted by an employee, agent of the licensee,
15 or other method approved by the office of controlling access to the
16 facility.

17 9. Each cannabis on-site consumption licensee shall keep and maintain
18 upon the licensed premises, adequate records of all transactions involv-
19 ing the business transacted by such licensee which shall show the amount
20 of cannabis products, in an applicable metric measurement, purchased by
21 such licensee together with the names, license numbers and places of
22 business of the persons from whom the same were purchased, the amount
23 involved in such purchases, as well as the sales of cannabis products
24 made by such licensee. The office is hereby authorized to promulgate
25 rules and regulations permitting an on-site licensee operating two or
26 more premises separately licensed to sell cannabis products for on-site
27 consumption to inaugurate or retain in this state methods or practices
28 of centralized accounting, bookkeeping, control records, reporting,

1 billing, invoicing or payment respecting purchases, sales or deliveries
2 of cannabis products, or methods and practices of centralized receipt or
3 storage of cannabis products within this state without segregation or
4 earmarking for any such separately licensed premises, wherever such
5 methods and practices assure the availability, at such licensee's
6 central or main office in this state, of data reasonably needed for the
7 enforcement of this chapter. Such records shall be available for
8 inspection by any authorized representative of the office.

9 10. All retail licensed premises shall be subject to inspection by any
10 peace officer, acting pursuant to his or her special duties, or police
11 officer and by the duly authorized representatives of the office, during
12 the hours when the said premises are open for the transaction of busi-
13 ness.

14 11. A cannabis on-site consumption licensee shall not provide cannabis
15 products to any person under the age of twenty-one or to anyone visibly
16 intoxicated.

17 § 75. Record keeping and tracking. 1. The executive director shall, by
18 regulation, require each licensee pursuant to this article to adopt and
19 maintain security, tracking, record keeping, record retention and
20 surveillance systems, relating to all cannabis at every stage of acquir-
21 ing, possession, manufacture, sale, delivery, transporting, or distrib-
22 uting by the licensee, subject to regulations of the executive director.

23 2. Every licensee shall keep and maintain upon the licensed premises
24 adequate books and records of all transactions involving the licensee
25 and sale of its products, which shall include, but is not limited to,
26 all information required by any rules promulgated by the office.

27 3. Each sale shall be recorded separately on a numbered invoice, which
28 shall have printed thereon the number, the name of the licensee, the

1 address of the licensed premises, and the current license number.
2 Licensed producers shall deliver to the licensed distributor a true
3 duplicate invoice stating the name and address of the purchaser, the
4 quantity purchased, description and the price of the product, and a
5 true, accurate and complete statement of the terms and conditions on
6 which such sale is made.

7 4. Such books, records and invoices shall be kept for a period of five
8 years and shall be available for inspection by any authorized represen-
9 tative of the office.

10 5. Each adult-use cannabis retail dispensary and on-site consumption
11 licensee shall keep and maintain upon the licensed premises, adequate
12 records of all transactions involving the business transacted by such
13 licensee which shall show the amount of cannabis, in weight, purchased
14 by such licensee together with the names, license numbers and places of
15 business of the persons from whom the same were purchased, the amount
16 involved in such purchases, as well as the sales of cannabis made by
17 such licensee.

18 § 76. Inspections and ongoing requirements. All licensed or permitted
19 premises, regardless of the type of premises, shall be subject to
20 inspection by the office, by the duly authorized representatives of the
21 office, by any peace officer acting pursuant to his or her special
22 duties, or by a police officer, during the hours when the said premises
23 are open for the transaction of business. The office shall make reason-
24 able accommodations so that ordinary business is not interrupted and
25 safety and security procedures are not compromised by the inspection. A
26 person who holds a license or permit must make himself or herself, or an
27 agent thereof, available and present for any inspection required by the
28 office. Such inspection may include, but is not limited to, ensuring

1 compliance by the licensee or permittee with all other applicable build-
2 ing codes, fire, health, safety, and governmental regulations, including
3 at the municipal, county, and state level.

4 § 77. Adult-use cultivators, processors or distributors not to be
5 interested in retail dispensaries. 1. It shall be unlawful for a culti-
6 vator, processor, cooperative or distributor licensed under this article
7 to:

8 (a) be interested directly or indirectly in any premises where any
9 cannabis product is sold at retail; or in any business devoted wholly or
10 partially to the sale of any cannabis product at retail by stock owner-
11 ship, interlocking directors, mortgage or lien or any personal or real
12 property, or by any other means.

13 (b) make, or cause to be made, any loan to any person engaged in the
14 manufacture or sale of any cannabis product at wholesale or retail.

15 (c) make any gift or render any service of any kind whatsoever,
16 directly or indirectly, to any person licensed under this chapter which
17 in the judgment of the office may tend to influence such licensee to
18 purchase the product of such cultivator or processor or distributor.

19 (d) enter into any contract with any retail licensee whereby such
20 licensee agrees to confine his sales to cannabis products manufactured
21 or sold by one or more such cultivator or processors or distributors.
22 Any such contract shall be void and subject the licenses of all parties
23 concerned to revocation for cause.

24 2. The provisions of this section shall not prohibit a registered
25 organization authorized pursuant to section forty of this chapter, from
26 cultivating, processing, distributing and selling adult-use cannabis
27 under this article, at facilities wholly owned and operated by such

1 registered organization, subject to any conditions, limitations or
2 restrictions established by the office.

3 3. The office shall have the power to create rules and regulations in
4 regard to this section.

5 § 78. Packaging and labeling of adult-use cannabis products. 1. The
6 office is hereby authorized to promulgate rules and regulations govern-
7 ing the packaging and labeling of cannabis products, sold or possessed
8 for sale in New York state.

9 2. Such regulations shall include, but not be limited to, requiring
10 that:

11 (a) packaging meets requirements similar to the federal "poison
12 prevention packaging act of 1970," 15 U.S.C. Sec 1471 et seq.;

13 (b) all cannabis-infused products shall have a separate packaging for
14 each serving;

15 (c) prior to delivery or sale at a retailer, cannabis and cannabis
16 products shall be labeled and placed in a resealable, child-resistant
17 package; and

18 (d) packages and labels shall not be made to be attractive to minors.

19 3. Such regulations shall include requiring labels warning consumers
20 of any potential impact on human health resulting from the consumption
21 of cannabis products that shall be affixed to those products when sold,
22 if such labels are deemed warranted by the office.

23 4. Such rules and regulations shall establish methods and procedures
24 for determining serving sizes for cannabis-infused products, active
25 cannabis concentration per serving size, and number of servings per
26 container. Such regulations shall also require a nutritional fact panel
27 that incorporates data regarding serving sizes and potency thereof.

1 5. The packaging, sale, or possession by any licensee of any cannabis
2 product not labeled or offered in conformity with rules and regulations
3 promulgated in accordance with this section shall be grounds for the
4 imposition of a fine, and/or the suspension, revocation or cancellation
5 of a license.

6 § 79. Laboratory testing. 1. Every processor of adult-use cannabis
7 shall contract with an independent laboratory permitted pursuant to
8 section one hundred twenty-nine of this chapter, to test the cannabis
9 products it produces pursuant to rules and regulations prescribed by the
10 office. The executive director may assign an approved testing laborato-
11 ry, which the processor of adult-use cannabis must use.

12 2. Adult-use cannabis processors shall make laboratory test reports
13 available to licensed distributors and retail dispensaries for all
14 cannabis products manufactured by the processor.

15 3. Licensed retail dispensaries shall maintain accurate documentation
16 of laboratory test reports for each cannabis product offered for sale to
17 cannabis consumers. Such documentation shall be made publicly available
18 by the licensed retail dispensary.

19 4. Onsite laboratory testing by licensees is permissible; however,
20 such testing shall not be certified by the office and does not exempt
21 the licensee from the requirements of quality assurance testing at a
22 testing laboratory pursuant to this section.

23 5. An owner of a cannabis laboratory testing permit shall not hold a
24 license in any other category within this article and shall not own or
25 have ownership interest in a registered organization registered pursuant
26 to article three of this chapter.

1 6. The office shall have the authority to require any licensee under
2 this article to submit cannabis or cannabis products to one or more
3 independent laboratories for testing.

4 § 80. Provisions governing the cultivation and processing of adult-use
5 cannabis. 1. Cultivation of cannabis must not be visible from a public
6 place by normal unaided vision.

7 2. No cultivator or processor of adult-use cannabis shall sell, or
8 agree to sell or deliver in the state any cannabis products, as the case
9 may be, except in sealed containers containing quantities in accordance
10 with size standards pursuant to rules adopted by the office. Such
11 containers shall have affixed thereto such labels as may be required by
12 the rules of the office.

13 3. No cultivator or processor of adult-use cannabis shall furnish or
14 cause to be furnished to any licensee, any exterior or interior sign,
15 printed, painted, electric or otherwise, except as authorized by the
16 office. The office may make such rules as it deems necessary to carry
17 out the purpose and intent of this subdivision.

18 4. Cultivators of adult-use cannabis shall only use pesticides that
19 are registered by the department of environmental conservation or that
20 specifically meet the United States environmental protection agency
21 registration exemption criteria for minimum risk pesticides, and only in
22 compliance with regulations, standards and guidelines issued by the
23 department of environmental conservation.

24 5. No cultivator or processor of adult-use cannabis shall transport
25 cannabis products in any vehicle owned and operated or hired and oper-
26 ated by such cultivator or processor, unless there shall be attached to
27 or inscribed upon both sides of such vehicle a sign, showing the name
28 and address of the licensee, together with the following inscription:

1 "New York State Cannabis Cultivator (or Processor) License No. _____" in
2 uniform letters not less than three and one-half inches in height. In
3 lieu of such sign a cultivator or processor may have in the cab of such
4 vehicle a photostatic copy of its current license issued by the office,
5 and such copy duly authenticated by the office.

6 6. No cultivator or processor of adult-use cannabis shall deliver any
7 cannabis products, except in vehicles owned and operated by such culti-
8 vator, processor, or hired and operated by such cultivator or processor
9 from a trucking or transportation company registered with the office,
10 and shall only make deliveries at the licensed premises of the purchas-
11 er.

12 7. No cultivator or processor of adult-use cannabis, including an
13 adult-use cannabis cooperative or microbusiness cultivator, may offer
14 any incentive, payment or other benefit to a licensed cannabis retail
15 dispensary in return for carrying the cultivator, processor, cooperative
16 or microbusiness cultivator's products, or preferential shelf placement.

17 8. All cannabis products shall be processed in accordance with good
18 manufacturing processes, pursuant to Part 111 of Title 21 of the Code of
19 Federal Regulations, as may be modified by the executive director in
20 regulation.

21 9. No processor of adult-use cannabis shall produce any product which,
22 in the discretion of the office, is designed to appeal to anyone under
23 the age of twenty-one years.

24 10. The use or integration of alcohol or nicotine in cannabis products
25 is strictly prohibited.

26 § 81. Provisions governing the distribution of adult-use cannabis. 1.
27 No distributor shall sell, or agree to sell or deliver any cannabis
28 products, as the case may be, in any container, except in a sealed pack-

1 age. Such containers shall have affixed thereto such labels as may be
2 required by the rules of the office.

3 2. No distributor shall deliver any cannabis products, except in vehi-
4 cles owned and operated by such distributor, or hired and operated by
5 such distributor from a trucking or transportation company registered
6 with the office, and shall only make deliveries at the licensed premises
7 of the purchaser.

8 3. Each distributor shall keep and maintain upon the licensed prem-
9 ises, adequate books and records of all transactions involving the busi-
10 ness transacted by such distributor, which shall show the amount of
11 cannabis products purchased by such distributor together with the names,
12 license numbers and places of business of the persons from whom the same
13 was purchased and the amount involved in such purchases, as well as the
14 amount of cannabis products sold by such distributor together with the
15 names, addresses, and license numbers of such purchasers. Each sale
16 shall be recorded separately on a numbered invoice, which shall have
17 printed thereon the number, the name of the licensee, the address of the
18 licensed premises, and the current license number. Such distributor
19 shall deliver to the purchaser a true duplicate invoice stating the name
20 and address of the purchaser, the quantity of cannabis products,
21 description by brands and the price of such cannabis products, and a
22 true, accurate and complete statement of the terms and conditions on
23 which such sale is made. Such books, records and invoices shall be kept
24 for a period of five years and shall be available for inspection by any
25 authorized representative of the office.

26 4. No distributor shall furnish or cause to be furnished to any licen-
27 see, any exterior or interior sign, printed, painted, electric or other-
28 wise, unless authorized by the office.

1 5. No distributor shall provide any discount, rebate or customer
2 loyalty program to any licensed retailer, except as otherwise allowed by
3 the office.

4 6. The executive director is authorized to promulgate regulations
5 establishing a maximum margin for which a distributor may mark up a
6 cannabis product for sale to a retail dispensary. Any adult-use cannabis
7 product sold by a distributor for more than the maximum markup allowed
8 in regulation, shall be unlawful.

9 7. Each distributor shall keep and maintain upon the licensed prem-
10 ises, adequate books and records to demonstrate the distributor's actual
11 cost of doing business, using accounting standards and methods regularly
12 employed in the determination of costs for the purpose of federal income
13 tax reporting, for the total operation of the licensee. Such books,
14 records and invoices shall be kept for a period of five years and shall
15 be available for inspection by any authorized representative of the
16 office for use in determining the maximum markup allowed in regulation
17 pursuant to subdivision six of this section.

18 § 82. Provisions governing adult-use cannabis retail dispensaries. 1.
19 No cannabis retail licensee shall sell, deliver, or give away or cause
20 or permit or procure to be sold, delivered or given away any cannabis to
21 any person, actually or apparently, under the age of twenty-one years,
22 any visibly intoxicated person, or any habitually intoxicated person
23 known to be such by the person authorized to sell, deliver, or give away
24 any cannabis.

25 2. No cannabis retail licensee shall sell more than one ounce of
26 cannabis per cannabis consumer per day; nor more than five grams of
27 cannabis concentrate per cannabis consumer per day.

1 3. No cannabis retail licensee shall sell alcoholic beverages, nor
2 have or possess a license or permit to sell alcoholic beverages, on the
3 same premises where cannabis products are sold.

4 4. No sign of any kind printed, painted or electric, advertising any
5 brand shall be permitted on the exterior or interior of such premises,
6 except by permission of the office.

7 5. No cannabis retail licensee shall sell or deliver any cannabis
8 products to any person with knowledge of, or with reasonable cause to
9 believe, that the person to whom such cannabis products are being sold,
10 has acquired the same for the purpose of peddling them from place to
11 place, or of selling or giving them away in violation of the provisions
12 of this chapter or in violation of the rules and regulations of the
13 office.

14 6. All premises licensed under this section shall be subject to
15 inspection by any peace officer described in subdivision four of section
16 2.10 of the criminal procedure law acting pursuant to his or her special
17 duties, or police officer or any duly authorized representative of the
18 office, during the hours when the said premises are open for the trans-
19 action of business.

20 7. No cannabis retail licensee shall be interested, directly or indi-
21 rectly, in any cultivator, processor or distributor licensed pursuant to
22 this article, by stock ownership, interlocking directors, mortgage or
23 lien on any personal or real property or by any other means. Any lien,
24 mortgage or other interest or estate, however, now held by such retailer
25 on or in the personal or real property of such manufacturer or distribu-
26 tor, which mortgage, lien, interest or estate was acquired on or before
27 December thirty-first, two thousand eighteen, shall not be included
28 within the provisions of this subdivision; provided, however, the burden

1 of establishing the time of the accrual of the interest comprehended by
2 this subdivision, shall be upon the person who claims to be entitled to
3 the protection and exemption afforded hereby.

4 8. No cannabis retail licensee shall make or cause to be made any loan
5 to any person engaged in the cultivation, processing or distribution of
6 cannabis pursuant to this article.

7 9. Each cannabis retail licensee shall designate the price of each
8 item of cannabis by attaching to or otherwise displaying immediately
9 adjacent to each such item displayed in the interior of the licensed
10 premises where sales are made a price tag, sign or placard setting forth
11 the price at which each such item is offered for sale therein.

12 10. No person licensed to sell cannabis products at retail, shall
13 allow or permit any gambling, or offer any gambling on the licensed
14 premises, or allow or permit illicit drug activity on the licensed prem-
15 ises. The use of the licensed premises or any part thereof for the sale
16 of lottery tickets, when duly authorized and lawfully conducted thereon,
17 shall not constitute gambling within the meaning of this subdivision.

18 11. If an employee of a cannabis retail licensee suspects that a
19 cannabis consumer may be abusing cannabis, such an employee shall have a
20 duty to encourage such cannabis consumer to seek the help of a regis-
21 tered practitioner and become a certified patient. Cannabis retail
22 licensees shall develop standard operating procedures and written mate-
23 rials for employees to utilize when consulting consumers for purposes of
24 this subdivision.

25 12. The executive director is authorized to promulgate regulations
26 governing licensed adult-use dispensing facilities, including but not
27 limited to, the hours of operation, size and location of the licensed
28 facility, potency and types of products offered and establishing a mini-

1 mum margin for which a retail dispensary must markup a cannabis
2 product(s) before selling to a cannabis consumer. Any adult-use cannabis
3 product sold by a retail dispensary for less than the minimum markup
4 allowed in regulation, shall be unlawful.

5 § 83. Adult-use cannabis advertising. 1. The office is hereby author-
6 ized to promulgate rules and regulations governing the advertising of
7 licensed adult-use cannabis cultivators, processors, cooperatives,
8 distributors, retailers, and any cannabis related products or services.

9 2. The office shall promulgate explicit rules prohibiting advertising
10 that:

11 (a) is false, deceptive, or misleading;

12 (b) promotes overconsumption;

13 (c) depicts consumption by children or other minors;

14 (d) is designed in any way to appeal to children or other minors;

15 (e) is within two hundred feet of the perimeter of a school grounds,
16 playground, child care center, public park, or library;

17 (f) is in public transit vehicles and stations;

18 (g) is in the form of an unsolicited internet pop-up;

19 (h) is on publicly owned or operated property; or

20 (i) makes medical claims or promotes adult-use cannabis for a medical
21 or wellness purpose.

22 3. The office shall promulgate explicit rules prohibiting all market-
23 ing strategies and implementation including, but not limited to, brand-
24 ing, packaging, labeling, location of cannabis retailers, and advertise-
25 ments that are designed to:

26 (a) appeal to persons less than twenty-one years of age; or

27 (b) disseminate false or misleading information to customers.

28 4. The office shall promulgate explicit rules requiring that:

1 (a) all advertisements and marketing accurately and legibly identify
2 the licensee responsible for its content; and

3 (b) any broadcast, cable, radio, print and digital communications
4 advertisements only be placed where the audience is reasonably expected
5 to be twenty-one years of age or older, as determined by reliable,
6 up-to-date audience composition data.

7 § 84. Minority, women-owned businesses and disadvantaged farmers;
8 incubator program. 1. The office shall implement a social and economic
9 equity plan and actively promote racial, ethnic, and gender diversity
10 when issuing licenses for adult-use cannabis related activities, includ-
11 ing by prioritizing consideration of applications by applicants who
12 qualify as a minority and women-owned business or disadvantaged farmers.
13 Such qualifications shall be determined by the office in regulation.

14 2. The office shall create a social and economic equity plan to
15 promote diversity in ownership and employment in the adult-use cannabis
16 industry and ensure inclusion of:

17 (a) minority-owned businesses;

18 (b) women-owned businesses;

19 (c) minority and women-owned businesses, as defined in subdivision
20 five of this section; and

21 (d) disadvantaged farmers, as defined in subdivision five of this
22 section.

23 3. The social and economic equity plan shall consider additional
24 criteria in its licensing determinations. Under the social and economic
25 equity plan, extra weight shall be given to applications that demon-
26 strate that an applicant:

27 (a) is a member of a community group that has been disproportionately
28 impacted by the enforcement of cannabis prohibition;

1 (b) has an income lower than eighty percent of the median income of
2 the county in which the applicant resides; and

3 (c) was convicted of a cannabis-related offense prior to the effective
4 date of this chapter.

5 4. The office shall also create an incubator program to provide direct
6 support to social and economic equity applicants after they have been
7 granted licenses. The program shall provide direct support in the form
8 of counseling services, education, small business coaching, and compli-
9 ance assistance.

10 5. For the purposes of this section, the following definitions shall
11 apply:

12 (a) "minority-owned business" shall mean a business enterprise,
13 including a sole proprietorship, partnership, limited liability company
14 or corporation that is:

15 (i) at least fifty-one percent owned by one or more minority group
16 members;

17 (ii) an enterprise in which such minority ownership is real, substan-
18 tial and continuing;

19 (iii) an enterprise in which such minority ownership has and exercises
20 the authority to control independently the day-to-day business decisions
21 of the enterprise;

22 (iv) an enterprise authorized to do business in this state and inde-
23 pendently owned and operated; and

24 (v) an enterprise that is a small business.

25 (b) "minority group member" shall mean a United States citizen or
26 permanent resident alien who is and can demonstrate membership in one of
27 the following groups:

1 (i) black persons having origins in any of the black African racial
2 groups;

3 (ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban,
4 Central or South American of either Indian or Hispanic origin, regard-
5 less of race;

6 (iii) Native American or Alaskan native persons having origins in any
7 of the original peoples of North America; or

8 (iv) Asian and Pacific Islander persons having origins in any of the
9 far east countries, south east Asia, the Indian subcontinent or the
10 Pacific islands.

11 (c) "women-owned business" shall mean a business enterprise, including
12 a sole proprietorship, partnership, limited liability company or corpo-
13 ration that is:

14 (i) at least fifty-one percent owned by one or more United States
15 citizens or permanent resident aliens who are women;

16 (ii) an enterprise in which the ownership interest of such women is
17 real, substantial and continuing;

18 (iii) an enterprise in which such women ownership has and exercises
19 the authority to control independently the day-to-day business decisions
20 of the enterprise;

21 (iv) an enterprise authorized to do business in this state and inde-
22 pendently owned and operated; and

23 (v) an enterprise that is a small business.

24 (d) a firm owned by a minority group member who is also a woman may be
25 defined as a minority-owned business, a women-owned business, or both.

26 (e) "disadvantaged farmer" shall mean a New York state resident or
27 business enterprise, including a sole proprietorship, partnership,
28 limited liability company or corporation, that has reported at least

1 two-thirds of its federal gross income as income from farming, in at
2 least one of the past five preceding tax years, and who:

3 (i) farms in a county that has greater than ten percent rate of pover-
4 ty according to the latest U.S. Census Bureau's American Communities
5 Survey;

6 (ii) has been disproportionately impacted by low commodity prices or
7 faces the loss of farmland through development or suburban sprawl; and

8 (iii) meets any other qualifications as defined in regulation by the
9 office.

10 6. The office shall actively promote applicants that foster racial,
11 ethnic, and gender diversity in their workforce.

12 7. Licenses issued to minority and women-owned businesses or under the
13 social and economic equity plan shall not be transferable except to
14 qualified minority and women-owned businesses or social and economic
15 equity applicants and only upon prior written approval of the executive
16 director.

17 8. The office shall collect demographic data on owners and employees
18 in the adult-use cannabis industry and shall annually publish such data.

19 § 85. Collective bargaining. 1. The executive director shall require
20 all licensees under this article with more than twenty-five employees,
21 including registered organizations authorized pursuant to section forty
22 of this chapter to cultivate, process, distribute and sell adult-use
23 cannabis products, to enter into a bona-fide collective bargaining
24 agreement with a bona-fide labor organization.

25 2. The maintenance of such a collective bargaining agreement shall be
26 an ongoing material condition of the entity's license.

27 § 86. Regulations. The executive director shall make regulations to
28 implement this article.

1 ARTICLE 5

2 HEMP CANNABIS

3 Section 90. Cannabinoid related hemp licensing.

4 91. Cannabinoid grower licenses.

5 92. Cannabinoid extractor license.

6 93. Cannabinoid license applications.

7 94. Information to be requested in applications for licenses.

8 95. Fees.

9 96. Selection criteria.

10 97. Limitations of licensure; duration.

11 98. License renewal.

12 99. Form of license.

13 100. Amendments to license and duty to update information
14 submitted for licensing.

15 101. Record keeping and tracking.

16 102. Inspections and ongoing requirements.

17 103. Packaging and labeling of hemp cannabis.

18 104. Provisions governing the growing and extracting of hemp
19 cannabis.

20 105. Laboratory testing.

21 106. Advertising.

22 107. Research.

23 108. Regulations.

24 § 90. Cannabinoid related hemp licensing. 1. Persons growing, proc-
25 essing, extracting, and/or manufacturing hemp cannabis or producing hemp
26 cannabis products distributed, sold or marketed for cannabinoid content
27 and used or intended for human or animal consumption or use, shall be

1 required to obtain the following license or licenses from the office,
2 depending upon the operation:

3 (a) cannabinoid grower license and/or;

4 (b) cannabinoid extractor license.

5 2. Notwithstanding subsection one of this section, those persons grow-
6 ing, processing or manufacturing food or food ingredients from hemp,
7 which food or food ingredients are generally recognized as safe, shall
8 be subject to regulation and/or licensing under the agriculture and
9 markets law.

10 § 91. Cannabinoid grower licenses. 1. A cannabinoid grower's license
11 authorizes the acquisition, possession, cultivation and sale of hemp
12 cannabis grown or used for its cannabinoid content on the licensed prem-
13 ises of the grower.

14 2. A person holding a cannabinoid grower's license shall not sell hemp
15 products marketed, distributed or sold for its cannabinoid content and
16 intended for human consumption or use without also being licensed as an
17 extractor pursuant to this article.

18 3. Persons growing industrial hemp pursuant to article twenty-nine of
19 the agriculture and markets law are not authorized to and shall not sell
20 hemp cannabis for human or animal consumption or use, other than as food
21 or a food ingredient that has been generally recognized as safe in
22 accordance with the U.S. food and drug administration or determined by
23 the state to be safe for human consumption as food or a food ingredient.

24 4. A person licensed under article twenty-nine of the agriculture and
25 markets law as a hemp grower may apply for a cannabinoid grower's
26 license provided that it can demonstrate to the office that its culti-
27 vation of hemp meets all the requirements for hemp cultivated under a
28 cannabinoid grower's license.

1 § 92. Cannabinoid extractor license. 1. A cannabinoid extractor
2 license authorizes the licensee's acquisition, possession, extraction
3 and manufacture of hemp from a licensed cannabinoid grower for the proc-
4 essing of hemp or the production of hemp products marketed, distributed
5 or sold for cannabinoid content and used or intended for human or animal
6 consumption or use.

7 2. No cannabinoid extractor licensee shall engage in any other busi-
8 ness on the licensed premises; except that nothing contained in this
9 chapter shall prevent a cannabinoid extractor licensee from also being
10 licensed as a cannabinoid grower on the same premises.

11 3. Notwithstanding subdivisions one and two of this section, nothing
12 shall prevent a cannabinoid extractor from manufacturing hemp products
13 not used or intended for human or animal consumption or use.

14 § 93. Cannabinoid license applications. 1. Persons shall apply for a
15 cannabinoid grower license and/or a cannabinoid extractor license by
16 submitting an application upon a form supplied by the office, providing
17 all the requested information, verified by the applicant or an author-
18 ized representative of the applicant.

19 2. A separate license shall be required for each facility at which
20 growing or extracting is conducted.

21 3. Each application shall remit with its application the fee for each
22 requested license.

23 § 94. Information to be requested in applications for licenses. 1.
24 The office shall have the authority to prescribe the manner and form in
25 which an application must be submitted to the office for licensure under
26 this article.

27 2. The executive director is authorized to adopt regulations, includ-
28 ing by emergency rule, establishing information which must be included

1 on an application for licensure under this article. Such information may
2 include, but is not limited to: information about the applicant's iden-
3 tity, including racial and ethnic diversity; ownership and investment
4 information, including the corporate structure; evidence of good moral
5 character, including the submission of fingerprints by the applicant to
6 the division of criminal justice services; information about the prem-
7 ises to be licensed; financial statements; and any other information
8 prescribed by in regulation.

9 3. All license applications shall be signed by the applicant (if an
10 individual), by a managing partner (if a limited liability corporation),
11 by an officer (if a corporation), or by all partners (if a partnership).
12 Each person signing such application shall verify it or affirm it as
13 true under the penalties of perjury.

14 4. All license or permit applications shall be accompanied by a check,
15 draft or other forms of payment as the office may require or authorize
16 in the amount required by this article for such license or permit.

17 5. If there be any change, after the filing of the application or the
18 granting of a license, in any of the facts required to be set forth in
19 such application, a supplemental statement giving notice of such change,
20 cost and source of money involved in the change, duly verified, shall be
21 filed with the office within ten days after such change. Failure to do
22 so shall, if willful and deliberate, be cause for revocation of the
23 license.

24 6. In giving any notice, or taking any action in reference to a licen-
25 see of a licensed premises, the office may rely upon the information
26 furnished in such application and in any supplemental statement
27 connected therewith, and such information may be presumed to be correct,
28 and shall be binding upon a registered organization, licensee or

1 licensed premises as if correct. All information required to be
2 furnished in such application or supplemental statements shall be deemed
3 material in any prosecution for perjury, any proceeding to revoke,
4 cancel or suspend any license, and in the office's determination to
5 approve or deny the license.

6 7. The office may, in its discretion, waive the submission of any
7 category of information described in this section for any category of
8 license or permit, provided that it shall not be permitted to waive the
9 requirement for submission of any such category of information solely
10 for an individual applicant or applicants.

11 § 95. Fees. The office shall have the authority to charge licensees a
12 biennial license fee. Such fee may be based on the amount of hemp canna-
13 bis to be grown, processed or extracted by the licensee, the gross annu-
14 al receipts of the licensee for the previous license period, or any
15 other factors deemed appropriate by the office.

16 § 96. Selection criteria. 1. An applicant shall furnish evidence:

17 (a) its ability to effectively maintain a delta-9-tetrahydrocannabinol
18 concentration that does not exceed a percentage of delta-9-tetrahydro-
19 cannabinol cannabis set by the executive director on a dry weight basis
20 of any part of the plant of the genus cannabis, or per volume or weight
21 of cannabis product, or the combined percent of delta-9-tetrahydrocanna-
22 binol and tetrahydrocannabinolic acid in any part of the plant of the
23 genus cannabis regardless of moisture content, for all hemp cannabis and
24 hemp derived products cultivated, processed or extracted by the appli-
25 cant;

26 (b) its ability to comply with all applicable state laws and regu-
27 lations, including, without limitation, the provisions of article four-
28 teen of the agriculture and markets law;

1 (c) that the applicant is ready, willing and able to properly carry on
2 the activities for which a license is sought; and

3 (d) that the applicant is in possession of or has the right to use
4 land, buildings and equipment sufficient to properly carry on the activ-
5 ity described in the application.

6 2. The office, in considering whether to grant the license applica-
7 tion, shall consider whether:

8 (a) it is in the public interest that such license be granted, taking
9 into consideration whether the number of licenses will be adequate or
10 excessive to reasonably serve demand;

11 (b) the applicant and its managing officers are of good moral charac-
12 ter and do not have an ownership or controlling interest in more
13 licenses or permits than allowed by this chapter; and

14 (c) the applicant satisfies any other conditions as determined by the
15 office.

16 3. If the executive director is not satisfied that the applicant
17 should be issued a license, the executive director shall notify the
18 applicant in writing of the specific reason or reasons for denial.

19 4. The executive director shall have authority and sole discretion to
20 determine the number of licenses issued pursuant to this article.

21 § 97. Limitations of licensure; duration. 1. No license pursuant to
22 this article may be issued to a person under the age of twenty-one
23 years.

24 2. The office shall have the authority to limit, by canopy, plant
25 count or other means, the amount of hemp cannabis allowed to be culti-
26 vated, processed, extracted or sold by a licensee.

1 3. All licenses under this article shall expire two years after the
2 date of issue and be subject to any rules or limitations prescribed by
3 the executive director in regulation.

4 § 98. License renewal. 1. Each license, issued pursuant to this arti-
5 cle, may be renewed upon application therefor by the licensee and the
6 payment of the fee for such license as prescribed by this article.

7 2. In the case of applications for renewals, the office may dispense
8 with the requirements of such statements as it deems unnecessary in view
9 of those contained in the application made for the original license, but
10 in any event the submission of photographs of the licensed premises
11 shall be dispensed with, provided the applicant for such renewal shall
12 file a statement with the office to the effect that there has been no
13 alteration of such premises since the original license was issued.

14 3. The office may make such rules as may be necessary, not inconsist-
15 ent with this chapter, regarding applications for renewals of licenses
16 and permits and the time for making the same.

17 4. The office shall provide an application for renewal of a license
18 issued under this article not less than ninety days prior to the expira-
19 tion of the current license.

20 5. The office may only issue a renewal license upon receipt of the
21 prescribed renewal application and renewal fee from a licensee if, in
22 addition to the criteria in section ninety-four of this article, the
23 license's license is not under suspension and has not been revoked.

24 6. The office shall have the authority to charge applicants for licen-
25 sure under this article a non-refundable application fee. Such fee may
26 be based on the type of licensure sought, cultivation and/or production
27 volume, or any other factors deemed reasonable and appropriate by the
28 office to achieve the policy and purpose of this chapter.

1 § 99. Form of license. Licenses issued pursuant to this article shall
2 specify:

- 3 1. the name and address of the licensee;
- 4 2. the activities permitted by the license;
- 5 3. the land, buildings and facilities that may be used for the
6 licensed activities of the licensee;
- 7 4. a unique license number issued by the office to the licensee; and
- 8 5. such other information as the executive director shall deem neces-
9 sary to assure compliance with this chapter.

10 § 100. Amendments to license and duty to update information submitted
11 for licensing. 1. Upon application of a licensee to the office, a
12 license may be amended to allow the licensee to relocate within the
13 state, to add or delete licensed activities or facilities, or to amend
14 the ownership or organizational structure of the entity that is the
15 licensee. The fee for such amendment shall be two hundred fifty dollars.

16 2. In the event that any of the information provided by the applicant
17 changes either while the application is pending or after the license is
18 granted, within ten days of any such change, the applicant or licensee
19 shall submit to the office a verified statement setting forth the change
20 in circumstances of facts set forth in the application. Failure to do so
21 shall, if willful and deliberate, be cause for revocation of the
22 license.

23 3. A license shall become void by a change in ownership, substantial
24 corporate change or location without prior written approval of the exec-
25 utive director. The executive director may promulgate regulations
26 allowing for certain types of changes in ownership without the need for
27 prior written approval.

1 4. For purposes of this section, "substantial corporate change" shall
2 mean:

3 (a) for a corporation, a change of eighty percent or more of the offi-
4 cers and/or directors, or a transfer of eighty percent or more of stock
5 of such corporation, or an existing stockholder obtaining eighty percent
6 or more of the stock of such corporation; and

7 (b) for a limited liability company, a change of eighty percent or
8 more of the managing members of the company, or a transfer of eighty
9 percent or more of ownership interest in said company, or an existing
10 member obtaining a cumulative of eighty percent or more of the ownership
11 interest in said company.

12 § 101. Record keeping and tracking. 1. The executive director shall,
13 by regulation, require each licensee pursuant to this article to adopt
14 and maintain security, tracking, record keeping, record retention and
15 surveillance systems, relating to all hemp cannabis at every stage of
16 acquiring, possession, manufacture, transport, sale, or delivery, or
17 distribution by the licensee, subject to regulations of the executive
18 director.

19 2. Every licensee shall keep and maintain upon the licensed premises,
20 adequate books and records of all transactions involving the licensee
21 and sale of its products, which shall include all information required
22 by rules promulgated by the office.

23 3. Each sale shall be recorded separately on a numbered invoice, which
24 shall have printed thereon the number, the name of the licensee, the
25 address of the licensed premises, and the current license number.

26 4. Such books, records and invoices shall be kept for a period of five
27 years and shall be available for inspection by any authorized represen-
28 tative of the office.

1 § 102. Inspections and ongoing requirements. All licensees shall be
2 subject to reasonable inspection by the office, and a person who holds a
3 license must make himself or herself, or an agent thereof, available and
4 present for any inspection required by the office. The office shall make
5 reasonable accommodations so that ordinary business is not interrupted
6 and safety and security procedures are not compromised by the
7 inspection.

8 § 103. Packaging and labeling of hemp cannabis. 1. The office is
9 hereby authorized to promulgate rules and regulations governing the
10 packaging and labeling of hemp cannabis products, sold or possessed for
11 sale in New York state.

12 2. Such regulations shall include, but not be limited to, requiring
13 labels warning consumers of any potential impact on human health result-
14 ing from the consumption of hemp cannabis products that shall be affixed
15 to those products when sold, if such labels are deemed warranted by the
16 office.

17 3. Such rules and regulations shall establish methods and procedures
18 for determining, among other things, serving sizes for hemp cannabis
19 products, active cannabinoid concentration per serving size, and number
20 of servings per container. Such regulations shall also require a nutri-
21 tional fact panel that incorporates data regarding serving sizes and
22 potency thereof.

23 4. The packaging, sale, or possession by any licensee of any hemp
24 product intended for human or animal consumption or use not labeled or
25 offered in conformity with rules and regulations promulgated in accord-
26 ance with this section shall be grounds for the imposition of a fine,
27 and/or the suspension, revocation or cancellation of a license.

1 § 104. Provisions governing the growing and extracting of hemp canna-
2 bis. 1. No licensed cannabinoid grower or extractor shall sell, or
3 agree to sell or deliver in the state any hemp cannabis products, as the
4 case may be, except in sealed containers containing quantities in
5 accordance with size standards pursuant to rules adopted by the office.
6 Such containers shall have affixed thereto such labels as may be
7 required by the rules of the office.

8 2. Licensed cannabinoid growers shall only use pesticides that are
9 registered by the New York state department of environmental conserva-
10 tion or that specifically meet the United States Environmental
11 Protection Agency registration exemption criteria for minimum risk
12 pesticides, and only in compliance with regulations, standards and
13 guidelines issued by the department of environmental conservation.

14 3. All hemp cannabis products shall be extracted and manufactured in
15 accordance with good manufacturing processes, pursuant to Part 111 of
16 Title 21 of the Code of Federal Regulations as may be modified by the
17 executive director in regulation.

18 4. The use or integration of alcohol or nicotine in hemp cannabis
19 products is strictly prohibited.

20 § 105. Laboratory testing. 1. Every cannabinoid extractor shall
21 contract with an independent laboratory to test the cannabis products
22 produced by the licensed extractor. The executive director, in consulta-
23 tion with the commissioner of health, shall approve the laboratory and
24 require that the laboratory report testing results in a manner deter-
25 mined by the executive director. The executive director is authorized to
26 issue regulations requiring the laboratory to perform certain tests and
27 services.

1 2. Cannabinoid extractors shall make laboratory test reports available
2 to persons holding a cannabinoid permit pursuant to article six of this
3 chapter for all cannabis products manufactured by the licensee.

4 3. On-site laboratory testing by licensees is permissible; however,
5 such testing shall not be certified by the office and does not exempt
6 the licensee from the requirements of quality assurance testing at a
7 testing laboratory pursuant to this section.

8 § 106. Advertising. The office shall promulgate rules and regulations
9 governing the advertising of hemp cannabis and any other related
10 products or services as determined by the executive director.

11 § 107. Research. 1. The office shall promote research and development
12 through public-private partnerships to bring new hemp cannabis and
13 industrial hemp derived products to market within the state.

14 2. The executive director may develop and carry out research programs
15 relating to industrial hemp and hemp cannabis.

16 § 108. Regulations. The executive director shall make regulations to
17 implement this article.

18 ARTICLE 6

19 GENERAL PROVISIONS

20 Section 125. General prohibitions and restrictions.

21 126. License to be confined to premises licensed; premises for
22 which no license shall be granted; transporting cannabis.

23 127. Protections for the use of cannabis; unlawful discrimi-
24 nations prohibited.

25 128. Registrations and licenses.

26 129. Laboratory testing permit.

- 1 130. Special use permits.
- 2 131. Professional and medical record keeping.
- 3 132. County opt-out; municipal control and preemption.
- 4 133. Executive director to be necessary party to certain
5 proceedings.
- 6 134. Penalties for violation of this chapter.
- 7 135. Revocation of registrations, licenses and permits for
8 cause; procedure for revocation or cancellation.
- 9 136. Lawful actions pursuant to this chapter.
- 10 137. Review by courts.
- 11 138. Illicit cannabis.
- 12 139. Injunction for unlawful manufacture, sale or consumption of
13 cannabis.
- 14 140. Persons forbidden to traffic cannabis products; certain
15 officials not to be interested in manufacture or sale of
16 cannabis products.
- 17 141. Access to criminal history information through the division
18 of criminal justice services.
- 19 § 125. General prohibitions and restrictions. 1. No person shall
20 cultivate, process, or distribute for sale or sell at wholesale or
21 retail any cannabis, cannabis product, medical cannabis or hemp cannabis
22 product within the state without obtaining the appropriate registration,
23 license, or permit therefor required by this chapter.
- 24 2. No registered organization, licensee, or permittee shall sell, or
25 agree to sell or deliver in this state any cannabis or hemp cannabis for
26 the purposes of resale to any person who is not duly registered,
27 licensed or permitted pursuant to this chapter to sell such product, at

1 wholesale or retail, as the case may be, at the time of such agreement
2 and sale.

3 3. No registered organization, licensee, or permittee shall employ, or
4 permit to be employed, or shall allow to work, on any premises regis-
5 tered or licensed for retail sale hereunder, any person under the age of
6 eighteen years in any capacity where the duties of such person require
7 or permit such person to sell, dispense or handle cannabis or hemp
8 cannabis.

9 4. No registered organization, licensee, or permittee shall sell,
10 deliver or give away, or cause, permit or procure to be sold, delivered
11 or given away any cannabis, cannabis product, medical cannabis or hemp
12 cannabis on credit; except that a registered organization, licensee or
13 permittee may accept third party credit cards for the sale of any canna-
14 bis, cannabis product, medical cannabis or hemp cannabis for which it is
15 registered, licensed or permitted to dispense or sell to patients or
16 cannabis consumers. This includes, but is not limited to, any consign-
17 ment sale of any kind.

18 5. No registered organization, licensee, or permittee shall cease to
19 be operated as a bona fide or legitimate premises within the contem-
20 plation of the registration, license, or permit issued for such prem-
21 ises, as determined within the judgment of the office.

22 6. No registered organization, licensee, or permittee shall refuse,
23 nor any person holding a registration, license, or permit refuse, nor
24 any officer or director of any corporation or organization holding a
25 registration, license, or permit refuse, to appear and/or testify under
26 oath at an inquiry or hearing held by the office, with respect to any
27 matter bearing upon the registration, license, or permit, the conduct of
28 any people at the licensed premises, or bearing upon the character or

1 fitness of such registrant, licensee, or permittee to continue to hold
2 any registration, license, or permit. Nor shall any of the above offer
3 false testimony under oath at such inquiry or hearing.

4 7. No registered organization, licensee, or permittee shall engage,
5 participate in, or aid or abet any violation or provision of this chap-
6 ter, or the rules or regulations of the office.

7 8. The proper conduct of registered, licensed, or permitted premises
8 is essential to the public interest. Failure of a registered organiza-
9 tion, licensee, or permittee to exercise adequate supervision over the
10 registered, licensed, or permitted location poses a substantial risk not
11 only to the objectives of this chapter but imperils the health, safety,
12 and welfare of the people of this state. It shall be the obligation of
13 each person registered, licensed, or permitted under this chapter to
14 ensure that a high degree of supervision is exercised over any and all
15 conduct at any registered, licensed, or permitted location at any and
16 all times in order to safeguard against abuses of the privilege of being
17 registered, licensed, or permitted, as well as other violations of law,
18 statute, rule, or regulation. Persons registered, licensed, or permitted
19 shall be held strictly accountable for any and all violations that occur
20 upon any registered, licensed, or permitted premises, and for any and
21 all violations committed by or permitted by any manager, agent or
22 employee of such registered, licensed, or permitted person.

23 9. It shall be unlawful for any person, partnership or corporation
24 operating a place for profit or pecuniary gain, with a capacity for the
25 assemblage of twenty or more persons to permit a person or persons to
26 come to the place of assembly for the purpose of cultivating, process-
27 ing, distributing, or retail distribution or sale of cannabis on said
28 premises. This includes, but is not limited, to, cannabis that is either

1 provided by the operator of the place of assembly, his agents, servants
2 or employees, or cannabis that is brought onto said premises by the
3 person or persons assembling at such place, unless an appropriate regis-
4 tration, license, or permit has first been obtained from the office of
5 cannabis management by the operator of said place of assembly.

6 10. As it is a privilege under the law to be registered, licensed, or
7 permitted to cultivate, process, distribute, traffic, or sell cannabis,
8 the office may impose any such further restrictions upon any registrant,
9 licensee, or permittee in particular instances as it deems necessary to
10 further state policy and best serve the public interest. A violation or
11 failure of any person registered, licensed, or permitted to comply with
12 any condition, stipulation, or agreement, upon which any registration,
13 license, or permit was issued or renewed by the office shall subject the
14 registrant, licensee, or permittee to suspension, cancellation, revoca-
15 tion, and/or civil penalties as determined by the office.

16 11. No adult-use cannabis or medical cannabis may be imported to, or
17 exported out of, New York state by a registered organization, licensee
18 or person holding a license and/or permit pursuant to this chapter,
19 until such time as it may become legal to do so under federal law.
20 Should it become legal to do so under federal law, the office is granted
21 the power to promulgate such rules and regulations as it deems necessary
22 to protect the public and the policy of the state.

23 12. No registered organization, licensee or any of its agents, serv-
24 ants or employees shall peddle any cannabis product, medical cannabis or
25 hemp cannabis from house to house by means of a truck or otherwise,
26 where the sale is consummated and delivery made concurrently at the
27 residence or place of business of a cannabis consumer. This subdivision
28 shall not prohibit the delivery by a registered organization to certi-

1 fied patients or their designated caregivers, pursuant to article three
2 of this chapter.

3 13. No licensee shall employ any canvasser or solicitor for the
4 purpose of receiving an order from a certified patient, designated care-
5 giver or cannabis consumer for any cannabis product, medical cannabis or
6 hemp cannabis at the residence or place of business of such patient,
7 caregiver or consumer, nor shall any licensee receive or accept any
8 order, for the sale of any cannabis product, medical cannabis or hemp
9 cannabis which shall be solicited at the residence or place of business
10 of a patient, caregiver or consumer. This subdivision shall not prohibit
11 the solicitation by a distributor of an order from any licensee at the
12 licensed premises of such licensee.

13 14. No premises registered, licensed, or permitted by the office
14 shall:

15 (a) permit or allow any gambling on the premises;

16 (b) permit or allow the premises to become disorderly;

17 (c) permit or allow the use, by any person, of any fireworks or other
18 pyrotechnics on the premises; or

19 (d) permit or allow to appear as an entertainer, on any part of the
20 premises registered, licensed, or permitted, any person under the age of
21 eighteen years.

22 § 126. License to be confined to premises licensed; premises for which
23 no license shall be granted; transporting cannabis. 1. A registration,
24 license, or permit issued to any person, pursuant to this chapter, for
25 any registered, licensed, or permitted premises shall not be transfera-
26 ble to any other person, to any other location or premises, or to any
27 other building or part of the building containing the licensed premises
28 except in the discretion of the office. All privileges granted by any

1 registration, license, or permit shall be available only to the person
2 therein specified, and only for the premises licensed and no other
3 except if authorized by the office. Provided, however, that the
4 provisions of this section shall not be deemed to prohibit the amendment
5 of a registration or license as provided for in this chapter. A
6 violation of this section shall subject the registration, license, or
7 permit to revocation for cause.

8 2. Where a registration or license for premises has been revoked, the
9 office in its discretion may refuse to issue a registration, license, or
10 permit under this chapter, for a period of up to five years after such
11 revocation, for such premises or for any part of the building containing
12 such premises and connected therewith.

13 3. In determining whether to issue such a proscription against grant-
14 ing any registration, license, or permit for such five-year period, in
15 addition to any other factors deemed relevant to the office, the office
16 shall, in the case of a license revoked due to the illegal sale of
17 cannabis to a minor, determine whether the proposed subsequent licensee
18 has obtained such premises through an arm's length transaction, and, if
19 such transaction is not found to be an arm's length transaction, the
20 office shall deny the issuance of such license.

21 4. For purposes of this section, "arm's length transaction" shall mean
22 a sale of a fee of all undivided interests in real property, lease,
23 management agreement, or other agreement giving the applicant control
24 over the cannabis at the premises, or any part thereof, in the open
25 market, between an informed and willing buyer and seller where neither
26 is under any compulsion to participate in the transaction, unaffected by
27 any unusual conditions indicating a reasonable possibility that the sale
28 was made for the purpose of permitting the original licensee to avoid

1 the effect of the revocation. The following sales shall be presumed not
2 to be arm's length transactions unless adequate documentation is
3 provided demonstrating that the sale, lease, management agreement, or
4 other agreement giving the applicant control over the cannabis at the
5 premises, was not conducted, in whole or in part, for the purpose of
6 permitting the original licensee to avoid the effect of the revocation:

7 (a) a sale between relatives;

8 (b) a sale between related companies or partners in a business; or

9 (c) a sale, lease, management agreement, or other agreement giving the
10 applicant control over the cannabis at the premises, affected by other
11 facts or circumstances that would indicate that the sale, lease, manage-
12 ment agreement, or other agreement giving the applicant control over the
13 cannabis at the premises, is entered into for the primary purpose of
14 permitting the original licensee to avoid the effect of the revocation.

15 5. No registered organization, licensee or permittee shall transport
16 cannabis products or medical cannabis except in vehicles owned and oper-
17 ated by such registered organization, licensee or permittee, or hired
18 and operated by such registered organization, licensee or permittee from
19 a trucking or transportation company permitted and registered with the
20 office.

21 6. No common carrier or person operating a transportation facility in
22 this state, other than the United States government, shall receive for
23 transportation or delivery within the state any cannabis products or
24 medical cannabis unless the shipment is accompanied by copy of a bill of
25 lading, or other document, showing the name and address of the consig-
26 nor, the name and address of the consignee, the date of the shipment,
27 and the quantity and kind of cannabis products or medical cannabis
28 contained therein.

1 § 127. Protections for the use of cannabis; unlawful discriminations
2 prohibited. 1. No person, registered organization, licensee or permit-
3 tee shall be subject to arrest, prosecution, or penalty in any manner,
4 or denied any right or privilege, including but not limited to civil
5 liability or disciplinary action by a business or occupational or
6 professional licensing board or office, solely for conduct permitted
7 under this chapter. For the avoidance of doubt, the appellate division
8 of the supreme court of the state of New York, and any disciplinary or
9 character and fitness committees established by them are occupational
10 and professional licensing boards within the meaning of this section.
11 State or local law enforcement agencies shall not cooperate with or
12 provide assistance to the government of the United States or any agency
13 thereof in enforcing the federal controlled substances act, 21 U.S.C. et
14 seq., solely for actions consistent with this chapter, except as pursu-
15 ant to a valid court order.

16 2. No school or landlord may refuse to enroll or lease to and may not
17 otherwise penalize a person solely for conduct allowed under this chap-
18 ter, except as exempted:

19 (a) if failing to do so would cause the school or landlord to lose a
20 monetary or licensing related benefit under federal law or regulations;

21 (b) if the institution has adopted a code of conduct prohibiting
22 cannabis use on the basis of religious belief; or

23 (c) if a property is registered with the New York smoke-free housing
24 registry, it is not required to permit the smoking of cannabis products
25 on its premises.

26 3. For the purposes of medical care, including organ transplants, a
27 certified patient's authorized use of medical cannabis must be consid-
28 ered the equivalent of the use of any other medication under the direc-

1 tion of a practitioner and does not constitute the use of an illicit
2 substance or otherwise disqualify a registered qualifying patient from
3 medical care.

4 4. Unless an employer establishes that the lawful use of cannabis has
5 impaired the employee's ability to perform the employee's job responsi-
6 bilities, it shall be unlawful to take any adverse employment action
7 against an employee based on conduct allowed under this chapter.

8 5. For the purposes of this section, an employer may consider an
9 employee's ability to perform the employee's job responsibilities to be
10 impaired when the employee manifests specific articulable symptoms while
11 working that decrease or lessen the employee's performance of the duties
12 or tasks of the employee's job position.

13 6. Nothing in this section shall restrict an employer's ability to
14 prohibit or take adverse employment action for the possession or use of
15 intoxicating substances during work hours, or require an employer to
16 commit any act that would cause the employer to be in violation of
17 federal law, or that would result in the loss of a federal contract or
18 federal funding.

19 7. As used in this section, "adverse employment action" means refusing
20 to hire or employ, barring or discharging from employment, requiring a
21 person to retire from employment, or discriminating against in compen-
22 sation or in terms, conditions, or privileges of employment.

23 8. A person currently under parole, probation or other state super-
24 vision, or released on bail awaiting trial may not be punished or other-
25 wise penalized for conduct allowed under this chapter.

26 § 128. Registrations and licenses. 1. No registration or license
27 shall be transferable or assignable except that notwithstanding any
28 other provision of law, the registration or license of a sole proprietor

1 converting to corporate form, where such proprietor becomes the sole
2 stockholder and only officer and director of such new corporation, may
3 be transferred to the subject corporation if all requirements of this
4 chapter remain the same with respect to such registration or license as
5 transferred and, further, the registered organization or licensee shall
6 transmit to the office, within ten days of the transfer of license
7 allowable under this subdivision, on a form prescribed by the office,
8 notification of the transfer of such license.

9 2. No registration or license shall be pledged or deposited as collat-
10 eral security for any loan or upon any other condition; and any such
11 pledge or deposit, and any contract providing therefor, shall be void.

12 3. Licenses issued under this chapter shall contain, in addition to
13 any further information or material to be prescribed by the rules of the
14 office, the following information:

15 (a) name of the person to whom the license is issued;

16 (b) kind of license and what kind of traffic in cannabis is thereby
17 permitted;

18 (c) description by street and number, or otherwise, of licensed prem-
19 ises; and

20 (d) a statement in substance that such license shall not be deemed a
21 property or vested right, and that it may be revoked at any time pursu-
22 ant to law.

23 § 129. Laboratory testing permit. 1. The executive director shall
24 approve and permit one or more independent cannabis testing laboratories
25 to test medical cannabis, adult-use cannabis and/or hemp cannabis.

26 2. To be permitted as an independent cannabis laboratory, a laboratory
27 must apply to the office, on a form and in a manner prescribed by the

1 office, and must demonstrate the following to the satisfaction of the
2 executive director:

3 (a) the owners and directors of the laboratory are of good moral char-
4 acter;

5 (b) the laboratory and its staff has the skills, resources and exper-
6 tise needed to accurately and consistently perform all of the testing
7 required for adult-use cannabis, medical cannabis and/or hemp cannabis;

8 (c) the laboratory has in place and will maintain adequate policies,
9 procedures, and facility security to ensure proper: collection, label-
10 ing, accessioning, preparation, analysis, result reporting, disposal and
11 storage of adult-use cannabis, medical cannabis and/or hemp cannabis;

12 (d) the laboratory is physically located in New York state;

13 (e) the laboratory has been approved by the department of health
14 pursuant to Part 55-2 of Title 10 of the New York Codes, Rules and Regu-
15 lations, pertaining to laboratories performing environmental analysis;
16 and

17 (f) the laboratory meets any and all requirements prescribed by this
18 chapter and by the executive director in regulation.

19 3. The owner of a laboratory testing permit under this section shall
20 not hold a registration or license in any category of this chapter and
21 shall not have any direct or indirect ownership interest in such regis-
22 tered organization or licensee. No board member, officer, manager,
23 owner, partner, principal stakeholder or member of a registered organ-
24 ization or licensee under this chapter, or such person's immediate fami-
25 ly member, shall have an interest or voting rights in any laboratory
26 testing permittee.

1 4. The executive director shall require that the permitted laboratory
2 report testing results to the office in a manner, form and timeframe as
3 determined by the executive director.

4 5. The executive director is authorized to promulgate regulations, in
5 consultation with the commissioner of the department of health, requir-
6 ing permitted laboratories to perform certain tests and services.

7 § 130. Special Use Permits. The office is hereby authorized to issue
8 the following kinds of permits for carrying on activities consistent
9 with the policy and purpose of this chapter with respect to cannabis.
10 The executive director has the authority to set fees for all permits
11 issued pursuant to this section, to establish the periods during which
12 permits are authorized, and to make rules and regulations, including
13 emergency regulations, to implement this section.

14 1. Industrial cannabis permit - to purchase cannabis for use in the
15 manufacture and sale of any of the following, when such cannabis is not
16 otherwise suitable for consumption purposes, namely: (a) apparel, ener-
17 gy, paper, and tools; (b) scientific, chemical, mechanical and indus-
18 trial products; or (c) any other industrial use as determined by the
19 executive director in regulation.

20 2. Nursery permit - to produce clones, immature plants, seeds, and
21 other agricultural products used specifically for the planting, propa-
22 gation, and cultivation of cannabis, and to sell such to licensed
23 adult-use cultivators, registered organizations, and certified patients
24 or their designated caregivers.

25 3. Solicitor's permit - to offer for sale or to solicit orders for the
26 sale of any cannabis products, medical cannabis and/or hemp cannabis, as
27 a representative of a registered organization or licensee under this
28 chapter.

1 4. Broker's permit - to act as a broker in the purchase and sale of
2 cannabis products, medical cannabis and/or hemp cannabis for a fee or
3 commission, for or on behalf of a person authorized to cultivate, proc-
4 ess, distribute or dispense cannabis products, medical cannabis or hemp
5 cannabis within the state.

6 5. Trucking permit - to allow for the trucking or transportation of
7 cannabis products, medical cannabis or hemp cannabis by a person other
8 than a registered organization or licensee under this chapter.

9 6. Warehouse permit - to allow for the storage of cannabis, cannabis
10 products, medical cannabis or hemp cannabis at a location not otherwise
11 registered or licensed by the office.

12 7. Delivery permit - to authorize licensed adult-use cannabis dispen-
13 saries to deliver adult-use cannabis and cannabis products directly to
14 cannabis consumers.

15 8. Cannabinoid permit - to sell cannabinoid products derived from hemp
16 cannabis for off-premises consumption.

17 9. Temporary retail cannabis permit - to authorize the retail sale of
18 adult-use cannabis to cannabis consumers, for a limited purpose or dura-
19 tion.

20 10. Caterer's permit - to authorize the service of cannabis products
21 at a function, occasion or event in a hotel, restaurant, club, ballroom
22 or other premises, which shall authorize within the hours fixed by the
23 office, during which cannabis may lawfully be sold or served on the
24 premises in which such function, occasion or event is held.

25 11. Packaging permit - to authorize a licensed cannabis distributor to
26 sort, package, label and bundle cannabis products from one or more
27 registered organizations or licensed processors, on the premises of the

1 licensed cannabis distributor or at a warehouse for which a permit has
2 been issued under this section.

3 12. Miscellaneous permits - to purchase, receive or sell cannabis,
4 cannabis products or medical cannabis, or receipts, certificates,
5 contracts or other documents pertaining to cannabis, cannabis products,
6 or medical cannabis, in cases not expressly provided for by this chap-
7 ter, when in the judgment of the office it would be appropriate and
8 consistent with the policy and purpose of this chapter.

9 § 131. Professional and medical record keeping. Any professional
10 providing services in connection with a licensed or potentially licensed
11 business under this chapter, or in connection with other conduct permit-
12 ted under this chapter, and any medical professional providing medical
13 care to a patient, other than a certified patient, may agree with their
14 client or patient to maintain no record, or any reduced level of record
15 keeping that professional and client or patient may agree. In case of
16 such agreement, the professional's only obligation shall be to keep such
17 records as agreed, and to keep a record of the agreement. Such reduced
18 record keeping is conduct permitted under this chapter.

19 § 132. County opt-out; municipal control and preemption. 1. The
20 provisions of article four of this chapter, authorizing the cultivation,
21 processing, distribution and sale of adult-use cannabis to cannabis
22 consumers, shall not be applicable to a county, or city having a popu-
23 lation of one-hundred thousand or more residents, which adopts a local
24 law, ordinance or resolution by a majority vote of its governing body to
25 completely prohibit the establishment or operation of one or more types
26 of licenses contained in article four of this chapter, within the juris-
27 diction of the county or city.

1 2. Except as provided for in subdivision one of this section, all
2 county, town, city and village municipalities are hereby preempted from
3 adopting any rule, ordinance, regulation or prohibition pertaining to
4 the operation or licensure of registered organizations, adult-use canna-
5 bis licenses or hemp licenses. However, municipalities may pass ordi-
6 nances or regulations governing the time, place and manner of licensed
7 adult-use cannabis retail dispensaries, provided such ordinance or regu-
8 lation does not make the operation of such licensed retail dispensaries
9 unreasonably impracticable as determined by the executive director in
10 his or her sole discretion.

11 § 133. Executive director to be necessary party to certain
12 proceedings. The executive director shall be made a party to all
13 actions and proceedings affecting in any manner the ability of a regis-
14 tered organization or licensee to operate within a municipality, or the
15 result of any vote thereupon; to all actions and proceedings relative to
16 issuance or revocation of registrations, licenses or permits; to all
17 injunction proceedings, and to all other civil actions or proceedings
18 which in any manner affect the enjoyment of the privileges or the opera-
19 tion of the restrictions provided for in this chapter.

20 § 134. Penalties for violation of this chapter. 1. Any person who
21 cultivates for sale or sells cannabis, cannabis products, medical canna-
22 bis or hemp cannabis without having an appropriate registration, license
23 or permit therefor, or whose registration, license, or permit has been
24 revoked, surrendered or cancelled, shall be guilty of a misdemeanor, and
25 upon first conviction thereof shall be punished by a fine not more than
26 five thousand dollars per instance or by imprisonment in a county jail
27 or penitentiary for a term of not less than thirty days nor more than
28 one year or both and upon second conviction thereof shall be punished by

1 a fine not less than ten thousand dollars or by imprisonment in a county
2 jail or penitentiary for a term of not less than thirty days nor more
3 than one year or both and upon all subsequent convictions thereof shall
4 be punished by a fine not less twenty-five thousand dollars or peniten-
5 tiary for a term of not less than thirty days nor more than one year or
6 both provided, however, that in default of payment of any fine imposed,
7 such person shall be imprisoned in a county jail or penitentiary for a
8 term of not less than thirty days.

9 2. Any registered organization or licensee, whose registration or
10 license has been suspended pursuant to the provisions of this chapter,
11 who sells cannabis, cannabis products, medical cannabis or hemp cannabis
12 during the suspension period, shall be guilty of a misdemeanor, and upon
13 conviction thereof shall be punished by a fine of not more than five
14 thousand dollars per instance or by imprisonment in a county jail or
15 penitentiary for a term of not more than six months, or by both such
16 fine and imprisonment.

17 3. Any person who shall make any false statement in the application
18 for a registration, license or a permit under this chapter shall be
19 guilty of a misdemeanor, and upon conviction thereof shall be punishable
20 by a fine of not more than five thousand dollars, or by imprisonment in
21 a county jail or penitentiary for a term of not more than six months or
22 both.

23 4. Any violation by any person of any provision of this chapter for
24 which no punishment or penalty is otherwise provided shall be a misde-
25 meanor.

26 § 135. Revocation of registrations, licenses and permits for cause;
27 procedure for revocation or cancellation. 1. Any registration, license
28 or permit issued pursuant to this chapter may be revoked, cancelled,

1 suspended and/or subjected to the imposition of a civil penalty for
2 cause, and must be revoked for the following causes:

3 (a) conviction of the registered organization, licensee, permittee or
4 his or her agent or employee for selling any illegal cannabis on the
5 premises registered, licensed or permitted; or

6 (b) for transferring, assigning or hypothecating a registration,
7 license or permit without prior written approval of the office.

8 2. Notwithstanding the issuance of a registration, license or permit
9 by way of renewal, the office may revoke, cancel or suspend such regis-
10 tration, license or permit and/or may impose a civil penalty against any
11 holder of such registration, license or permit, as prescribed by this
12 section, for causes or violations occurring during the license period
13 immediately preceding the issuance of such registration, license or
14 permit.

15 3. (a) As used in this section, the term "for cause" shall also
16 include the existence of a sustained and continuing pattern of miscon-
17 duct, failure to adequately prevent diversion or disorder on or about
18 the registered, licensed or permitted premises, or in the area in front
19 of or adjacent to the registered or licensed premises, or in any parking
20 lot provided by the registered organization or licensee for use by
21 registered organization or licensee's patrons, which, in the judgment of
22 the office, adversely affects or tends to affect the protection, health,
23 welfare, safety, or repose of the inhabitants of the area in which the
24 registered or licensed premises is located, or results in the licensed
25 premises becoming a focal point for police attention, or is offensive to
26 public decency.

27 (b) (i) As used in this section, the term "for cause" shall also
28 include deliberately misleading the authority:

1 (A) as to the nature and character of the business to be operated by
2 the registered organization, licensee or permittee; or

3 (B) by substantially altering the nature or character of such business
4 during the registration or licensing period without seeking appropriate
5 approvals from the office.

6 (ii) As used in this subdivision, the term "substantially altering the
7 nature or character" of such business shall mean any significant alter-
8 ation in the scope of business activities conducted by a registered
9 organization, licensee or permittee that would require obtaining an
10 alternate form of registration, license or permit.

11 4. As used in this chapter, the existence of a sustained and continu-
12 ing pattern of misconduct, failure to adequately prevent diversion or
13 disorder on or about the premises may be presumed upon the sixth inci-
14 dent reported to the office by a law enforcement agency, or discovered
15 by the office during the course of any investigation, of misconduct,
16 diversion or disorder on or about the premises or related to the opera-
17 tion of the premises, absent clear and convincing evidence of either
18 fraudulent intent on the part of any complainant or a factual error with
19 respect to the content of any report concerning such complaint relied
20 upon by the office.

21 5. Notwithstanding any other provision of this chapter to the contra-
22 ry, a suspension imposed under this section against the holder of a
23 registration issued pursuant to article three of this chapter, shall
24 only suspend the licensed activities related to the type of cannabis,
25 medical cannabis or adult-use cannabis involved in the violation result-
26 ing in the suspension.

27 6. Any registration, license or permit issued by the office pursuant
28 to this chapter may be revoked, cancelled or suspended and/or be

1 subjected to the imposition of a monetary penalty in the manner
2 prescribed by this section and by the executive director in regulation.

3 7. The office may on its own initiative, or on complaint of any
4 person, institute proceedings to revoke, cancel or suspend any adult-use
5 cannabis retail dispensary license or adult-use cannabis on-site
6 consumption license and may impose a civil penalty against the licensee
7 after a hearing at which the licensee shall be given an opportunity to
8 be heard. Such hearing shall be held in such manner and upon such notice
9 as may be prescribed in regulation by the executive director.

10 8. All other registrations, licenses or permits issued under this
11 chapter may be revoked, cancelled, suspended and/or made subject to the
12 imposition of a civil penalty by the office after a hearing to be held
13 in such manner and upon such notice as may be prescribed in regulation
14 by the executive director.

15 9. Where a licensee or permittee is convicted of two or more qualify-
16 ing offenses within a five-year period, the office, upon receipt of
17 notification of such second or subsequent conviction, shall, in addition
18 to any other sanction or civil or criminal penalty imposed pursuant to
19 this chapter, impose on such licensee a civil penalty not to exceed ten
20 thousand dollars. For purposes of this subdivision, a qualifying
21 offense shall mean the unlawful sale of cannabis to a person under the
22 age of twenty-one. For purposes of this subdivision, a conviction of a
23 licensee or an employee or agent of such licensee shall constitute a
24 conviction of such licensee.

25 § 136. Lawful actions pursuant to this chapter. 1. Contracts related
26 to the operation of registered organizations, licenses and permits under
27 this chapter shall be lawful and shall not be deemed unenforceable on

1 the basis that the actions permitted pursuant to the registration,
2 license or permit are prohibited by federal law.

3 2. The following actions are not unlawful as provided under this chap-
4 ter, shall not be an offense under any state or local law, and shall not
5 result in any civil fine, seizure, or forfeiture of assets against any
6 person acting in accordance with this chapter:

7 (a) Actions of a registered organization, licensee, or permittee, or
8 the employees or agents of such registered organization, licensee or
9 permittee, as permitted by this chapter and consistent with rules and
10 regulations of the office, pursuant to a valid registration, license or
11 permit issued by the office.

12 (b) Actions of those who allow property to be used by a registered
13 organization, licensee, or permittee, or the employees or agents of such
14 registered organization, licensee or permittee, as permitted by this
15 chapter and consistent with rules and regulations of the office, pursu-
16 ant to a valid registration, license or permit issued by the office.

17 (c) Actions of any person or entity, their employees, or their agents
18 providing a service to a registered organization, licensee, permittee or
19 a potential registered organization, licensee, or permittee, as permit-
20 ted by this chapter and consistent with rules and regulations of the
21 office, relating to the formation of a business.

22 (d) The purchase, possession, or consumption of cannabis, medical
23 cannabis and hemp, as permitted by this chapter and consistent with
24 rules and regulations of the office, obtained from a validly registered,
25 licensed or permitted retailer.

26 § 137. Review by courts. 1. The following actions by the office, and
27 only the following actions by the office, shall be subject to review by

1 the supreme court in the manner provided in article seventy-eight of the
2 civil practice law and rules:

3 (a) Refusal by the office to issue a registration, license, or a
4 permit.

5 (b) The revocation, cancellation or suspension of a registration,
6 license, or permit by the office.

7 (c) The failure or refusal by the office to render a decision upon any
8 application or hearing submitted to or held by the office within sixty
9 days after such submission or hearing.

10 (d) The transfer by the office of a registration, license, or permit
11 to any other entity or premises, or the failure or refusal by the office
12 to approve such a transfer.

13 (e) Refusal to approve alteration of premises.

14 (f) Refusal to approve a corporate change in stockholders, stockhold-
15 ings, officers or directors.

16 2. No stay shall be granted pending the determination of such matter
17 except on notice to the office and only for a period of less than thirty
18 days. In no instance shall a stay be granted where the office has issued
19 a summary suspension of a registration, license, or permit for the
20 protection of the public health, safety, and welfare.

21 § 138. Illicit cannabis. 1. "Illicit cannabis" means and includes any
22 cannabis product, medical cannabis or hemp cannabis owned, cultivated,
23 distributed, bought, sold, packaged, rectified, blended, treated, forti-
24 fied, mixed, processed, warehoused, possessed or transported, or on
25 which any tax required to have been paid under any applicable state law
26 has not been paid.

27 2. Any person who shall knowingly possess or have under his or her
28 control any illicit cannabis is guilty of a misdemeanor.

1 3. Any person who shall knowingly barter or exchange with, or sell,
2 give or offer to sell or to give another any illicit cannabis is guilty
3 of a misdemeanor.

4 4. Any person who shall possess or have under his or her control or
5 transport any illicit cannabis with intent to barter or exchange with,
6 or to sell or give to another the same or any part thereof is guilty of
7 a misdemeanor. Such intent is presumptively established by proof that
8 the person knowingly possessed or had under his or her control one or
9 more ounces of illicit cannabis. This presumption may be rebutted.

10 5. Any person who, being the owner, lessee, or occupant of any room,
11 shed, tenement, booth or building, float or vessel, or part thereof,
12 knowingly permits the same to be used for the cultivation, processing,
13 distribution, purchase, sale, warehousing, transportation, or storage of
14 any illicit cannabis, is guilty of a misdemeanor.

15 § 139. Injunction for unlawful manufacturing, sale or consumption of
16 cannabis. 1. If any person shall engage or participate or be about to
17 engage or participate in the cultivation, production, distribution,
18 traffic, or sale of cannabis products, medical cannabis or hemp cannabis
19 in this state without obtaining the appropriate registration, license,
20 or permit therefor, or shall traffic in cannabis products, medical
21 cannabis or hemp cannabis contrary to any provision of this chapter, or
22 otherwise unlawfully, or shall traffic in illegal cannabis products,
23 medical cannabis or hemp cannabis, or, operating a place for profit or
24 pecuniary gain, with a capacity for the assemblage of twenty or more
25 persons, shall permit a person or persons to come to such place of
26 assembly for the purpose of consuming cannabis products without having
27 the appropriate license or permit therefor, the office may present a
28 verified petition or complaint to a justice of the supreme court at a

1 special term of the supreme court of the judicial district in which such
2 city, village or town is situated, for an order enjoining such person
3 engaging or participating in such activity or from carrying on such
4 business. Such petition or complaint shall state the facts upon which
5 such application is based. Upon the presentation of the petition or
6 complaint, the justice or court may grant an order temporarily restrain-
7 ing any person from continuing to engage in conduct as specified in the
8 petition or complaint, and shall grant an order requiring such person to
9 appear before such justice or court at or before a special term of the
10 supreme court in such judicial district on the day specified therein,
11 not more than ten days after the granting thereof, to show cause why
12 such person should not be permanently enjoined from engaging or partic-
13 ipating in such activity or from carrying on such business, or why such
14 person should not be enjoined from carrying on such business contrary to
15 the provisions of this chapter. A copy of such petition or complaint and
16 order shall be served upon the person, in the manner directed by such
17 order, not less than three days before the return day thereof. On the
18 day specified in such order, the justice or court before whom the same
19 is returnable shall hear the proofs of the parties and may, if deemed
20 necessary or proper, take testimony in relation to the allegations of
21 the petition or complaint. If the justice or court is satisfied that
22 such person is about to engage or participate in the unlawful traffic in
23 cannabis, medical cannabis or hemp cannabis or has unlawfully culti-
24 vated, processed, or sold cannabis products, medical cannabis or hemp
25 cannabis without having obtained a registration or license or contrary
26 to the provisions of this chapter, or has trafficked in illegal canna-
27 bis, or, is operating or is about to operate such place for profit or
28 pecuniary gain, with such capacity, and has permitted or is about to

1 permit a person or persons to come to such place of assembly for the
2 purpose of consuming cannabis products without having such appropriate
3 license, an order shall be granted enjoining such person from thereafter
4 engaging or participating in or carrying on such activity or business.
5 If, after the entry of such an order in the county clerk's office of the
6 county in which the principal place of business of the corporation or
7 partnership is located, or in which the individual so enjoined resides
8 or conducts such business, and the service of a copy thereof upon such
9 person, or such substituted service as the court may direct, such
10 person, partnership or corporation shall, in violation of such order,
11 cultivate, process, distribute or sell cannabis products, medical canna-
12 bis or hemp cannabis, or illegal cannabis products, medical cannabis or
13 hemp cannabis, or permit a person or persons to come to such place of
14 assembly for the purpose of consuming cannabis products, such activity
15 shall be deemed a contempt of court and be punishable in the manner
16 provided by the judiciary law, and, in addition to any such punishment,
17 the justice or court before whom or which the petition or complaint is
18 heard, may, in his or its discretion, order the seizure and forfeiture
19 of any cannabis products and any fixtures, equipment and supplies used
20 in the operation or promotion of such illegal activity and such property
21 shall be subject to forfeiture pursuant to law. Costs upon the applica-
22 tion for such injunction may be awarded in favor of and against the
23 parties thereto in such sums as in the discretion of the justice or
24 court before whom or which the petition or complaint is heard may seem
25 proper.

26 2. The owner, lessor and lessee of a building, erection or place where
27 cannabis products, medical cannabis or hemp cannabis is unlawfully
28 cultivated, processed, distributed, sold, consumed or permitted to be

1 unlawfully cultivated, processed, distributed, sold or consumed may be
2 made a respondent or defendant in the proceeding or action.

3 § 140. Persons forbidden to traffic cannabis; certain officials not to
4 be interested in manufacture or sale of cannabis products. 1. The
5 following are forbidden to traffic in cannabis:

6 (a) Except as provided in subdivision one-a of this section, a person
7 who has been convicted of a felony, unless subsequent to such conviction
8 such person shall have received an executive pardon therefor removing
9 this disability, a certificate of good conduct granted by the department
10 of corrections and community supervision, or a certificate of relief
11 from disabilities granted by the department of corrections and community
12 supervision or a court of this state pursuant to the provisions of arti-
13 cle twenty-three of the correction law to remove the disability under
14 this section because of such conviction;

15 (b) A person under the age of twenty-one years;

16 (c) A person who is not a citizen of the United States or an alien
17 lawfully admitted for permanent residence in the United States;

18 (d) A partnership or a corporation, unless each member of the partner-
19 ship, or each of the principal officers and directors of the corpo-
20 ration, is a citizen of the United States or an alien lawfully admitted
21 for permanent residence in the United States, not less than twenty-one
22 years of age, and has not been convicted of any felony, or if so
23 convicted has received, subsequent to such conviction, an executive
24 pardon therefor removing this disability a certificate of good conduct
25 granted by the department of corrections and community supervision, or a
26 certificate of relief from disabilities granted by the department of
27 corrections and community supervision or a court of this state pursuant
28 to the provisions of article twenty-three of the correction law to

1 remove the disability under this section because of such conviction;
2 provided however that a corporation which otherwise conforms to the
3 requirements of this section and chapter may be licensed if each of its
4 principal officers and more than one-half of its directors are citizens
5 of the United States or aliens lawfully admitted for permanent residence
6 in the United States; and provided further that a corporation organized
7 under the not-for-profit corporation law or the education law which
8 otherwise conforms to the requirements of this section and chapter may
9 be licensed if each of its principal officers and more than one-half of
10 its directors are not less than twenty-one years of age and none of its
11 directors are less than eighteen years of age; and provided further that
12 a corporation organized under the not-for-profit corporation law or the
13 education law and located on the premises of a college as defined by
14 section two of the education law which otherwise conforms to the
15 requirements of this section and chapter may be licensed if each of its
16 principal officers and each of its directors are not less than eighteen
17 years of age;

18 (e) A person who shall have had any registration or license issued
19 under this chapter revoked for cause, until the expiration of two years
20 from the date of such revocation;

21 (f) A person not registered or licensed under the provisions of this
22 chapter, who has been convicted of a violation of this chapter, until
23 the expiration of two years from the date of such conviction; or

24 (g) A corporation or partnership, if any officer and director or any
25 partner, while not licensed under the provisions of this chapter, has
26 been convicted of a violation of this chapter, or has had a registration
27 or license issued under this chapter revoked for cause, until the expi-
28 ration of two years from the date of such conviction or revocation.

1 1-a. Notwithstanding the provision of subdivision one of this section,
2 a corporation holding a registration or license to traffic cannabis
3 products or medical cannabis shall not, upon conviction of a felony be
4 automatically forbidden to traffic in cannabis products or medical
5 cannabis, but the application for a registered organization or license
6 by such a corporation shall be subject to denial, and the registration
7 or license of such a corporation shall be subject to revocation or
8 suspension by the office pursuant, consistent with the provisions of
9 article twenty-three-A of the correction law. For any felony conviction
10 by a court other than a court of this state, the office may request the
11 department of corrections and community supervision to investigate and
12 review the facts and circumstances concerning such a conviction, and
13 such department shall, if so requested, submit its findings to the
14 office as to whether the corporation has conducted itself in a manner
15 such that discretionary review by the office would not be inconsistent
16 with the public interest. The department of corrections and community
17 supervision may charge the registered organization, licensee or appli-
18 cant a fee equivalent to the expenses of an appropriate investigation
19 under this subdivision. For any conviction rendered by a court of this
20 state, the office may request the corporation, if the corporation is
21 eligible for a certificate of relief from disabilities, to seek such a
22 certificate from the court which rendered the conviction and to submit
23 such a certificate as part of the office's discretionary review process.

24 2. Except as may otherwise be provided for in regulation, it shall be
25 unlawful for any police commissioner, police inspector, captain,
26 sergeant, roundsman, patrolman or other police official or subordinate
27 of any police department in the state, to be either directly or indi-
28 rectly interested in the cultivation, processing, distribution, or sale

1 of cannabis products or to offer for sale, or recommend to any regis-
2 tered organization or licensee any cannabis products. A person may not
3 be denied any registration or license granted under the provisions of
4 this chapter solely on the grounds of being the spouse of a public serv-
5 ant described in this section. The solicitation or recommendation made
6 to any registered organization or licensee, to purchase any cannabis
7 products by any police official or subordinate as hereinabove described,
8 shall be presumptive evidence of the interest of such official or subor-
9 dinate in the cultivation, processing, distribution, or sale of cannabis
10 products.

11 3. No elective village officer shall be subject to the limitations set
12 forth in subdivision two of this section unless such elective village
13 officer shall be assigned duties directly relating to the operation or
14 management of the police department.

15 § 141. Access to criminal history information through the division of
16 criminal justice services. In connection with the administration of
17 this chapter, the executive director is authorized to request, receive
18 and review criminal history information through the division of criminal
19 justice services with respect to any person seeking a registration,
20 license, permit or authorization to cultivate, process, distribute or
21 sell medical cannabis, adult use cannabis or hemp cannabis. At the exec-
22 utive director's request, each person, member, principal and/or officer
23 of the applicant shall submit to the office his or her fingerprints in
24 such form and in such manner as specified by the division, for the
25 purpose of conducting a criminal history search and returning a report
26 thereon in accordance with the procedures and requirements established
27 by the division pursuant to the provisions of article thirty-five of the
28 executive law, which shall include the payment of the prescribed proc-

1 essing fees for the cost of the division's full search and retain proce-
2 dures and a national criminal history record check. The executive direc-
3 tor, or his or her designee, shall submit such fingerprints and the
4 processing fee to the division. The division shall forward to the execu-
5 tive director a report with respect to the applicant's previous criminal
6 history, if any, or a statement that the applicant has no previous crim-
7 inal history according to its files. Fingerprints submitted to the divi-
8 sion pursuant to this subdivision may also be submitted to the federal
9 bureau of investigation for a national criminal history record check. If
10 additional copies of fingerprints are required, the applicant shall
11 furnish them upon request.

12 § 3. Intentionally omitted.

13 § 4. Section 3302 of the public health law, as added by chapter 878 of
14 the laws of 1972, subdivisions 1, 14, 16, 17 and 27 as amended and
15 subdivisions 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 20, 21, 22, 23, 24,
16 25, 26, 28, 29 and 30 as renumbered by chapter 537 of the laws of 1998,
17 subdivisions 9 and 10 as amended and subdivisions 34, 35, 36, 37, 38, 39
18 and 40 as added by chapter 178 of the laws of 2010, paragraph (a) of
19 subdivision 20, the opening paragraph of subdivision 22 and subdivision
20 29 as amended by chapter 163 of the laws of 1973, subdivision 31 as
21 amended by section 4 of part A of chapter 58 of the laws of 2004, subdi-
22 vision 41 as added by section 6 of part A of chapter 447 of the laws of
23 2012, and subdivisions 42 and 43 as added by section 13 of part D of
24 chapter 60 of the laws of 2014, is amended to read as follows:

25 § 3302. Definitions of terms of general use in this article. Except
26 where different meanings are expressly specified in subsequent
27 provisions of this article, the following terms have the following mean-
28 ings:

1 1. "Addict" means a person who habitually uses a controlled substance
2 for a non-legitimate or unlawful use, and who by reason of such use is
3 dependent thereon.

4 2. "Administer" means the direct application of a controlled
5 substance, whether by injection, inhalation, ingestion, or any other
6 means, to the body of a patient or research subject.

7 3. "Agent" means an authorized person who acts on behalf of or at the
8 direction of a manufacturer, distributor, or dispenser. No person may be
9 authorized to so act if under title VIII of the education law such
10 person would not be permitted to engage in such conduct. It does not
11 include a common or contract carrier, public warehouseman, or employee
12 of the carrier or warehouseman when acting in the usual and lawful
13 course of the carrier's or warehouseman's business.

14 4. ["Concentrated Cannabis" means

15 (a) the separated resin, whether crude or purified, obtained from a
16 plant of the genus Cannabis; or

17 (b) a material, preparation, mixture, compound or other substance
18 which contains more than two and one-half percent by weight of delta-9
19 tetrahydrocannabinol, or its isomer, delta-8 dibenzopyran numbering
20 system, or delta-1 tetrahydrocannabinol or its isomer, delta 1 (6) mono-
21 terpene numbering system.

22 5.] "Controlled substance" means a substance or substances listed in
23 section thirty-three hundred six of this [chapter] title.

24 [6.] 5. "Commissioner" means commissioner of health of the state of
25 New York.

26 [7.] 6. "Deliver" or "delivery" means the actual, constructive or
27 attempted transfer from one person to another of a controlled substance,
28 whether or not there is an agency relationship.

1 [8.] 7. "Department" means the department of health of the state of
2 New York.

3 [9.] 8. "Dispense" means to deliver a controlled substance to an ulti-
4 mate user or research subject by lawful means, including by means of the
5 internet, and includes the packaging, labeling, or compounding necessary
6 to prepare the substance for such delivery.

7 [10.] 9. "Distribute" means to deliver a controlled substance, includ-
8 ing by means of the internet, other than by administering or dispensing.

9 [11.] 10. "Distributor" means a person who distributes a controlled
10 substance.

11 [12.] 11. "Diversion" means manufacture, possession, delivery or use
12 of a controlled substance by a person or in a manner not specifically
13 authorized by law.

14 [13.] 12. "Drug" means

15 (a) substances recognized as drugs in the official United States Phar-
16 macopoeia, official Homeopathic Pharmacopoeia of the United States, or
17 official National Formulary, or any supplement to any of them;

18 (b) substances intended for use in the diagnosis, cure, mitigation,
19 treatment, or prevention of disease in man or animals; and

20 (c) substances (other than food) intended to affect the structure or a
21 function of the body of man or animal. It does not include devices or
22 their components, parts, or accessories.

23 [14.] 13. "Federal agency" means the Drug Enforcement Administration,
24 United States Department of Justice, or its successor agency.

25 [15.] 14. "Federal controlled substances act" means the Comprehensive
26 Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, and
27 any act or acts amendatory or supplemental thereto or regulations
28 promulgated thereunder.

1 [16.] 15. "Federal registration number" means such number assigned by
2 the Federal agency to any person authorized to manufacture, distribute,
3 sell, dispense or administer controlled substances.

4 [17.] 16. "Habitual user" means any person who is, or by reason of
5 repeated use of any controlled substance for non-legitimate or unlawful
6 use is in danger of becoming, dependent upon such substance.

7 [18.] 17. "Institutional dispenser" means a hospital, veterinary
8 hospital, clinic, dispensary, maternity home, nursing home, mental
9 hospital or similar facility approved and certified by the department as
10 authorized to obtain controlled substances by distribution and to
11 dispense and administer such substances pursuant to the order of a prac-
12 titioner.

13 [19.] 18. "License" means a written authorization issued by the
14 department or the New York state department of education permitting
15 persons to engage in a specified activity with respect to controlled
16 substances.

17 [20.] 19. "Manufacture" means the production, preparation, propa-
18 gation, compounding, cultivation, conversion or processing of a
19 controlled substance, either directly or indirectly or by extraction
20 from substances of natural origin, or independently by means of chemical
21 synthesis, or by a combination of extraction and chemical synthesis, and
22 includes any packaging or repackaging of the substance or labeling or
23 relabeling of its container, except that this term does not include the
24 preparation, compounding, packaging or labeling of a controlled
25 substance:

26 (a) by a practitioner as an incident to his administering or dispens-
27 ing of a controlled substance in the course of his professional prac-
28 tice; or

1 (b) by a practitioner, or by his authorized agent under his super-
2 vision, for the purpose of, or as an incident to, research, teaching, or
3 chemical analysis and not for sale; or

4 (c) by a pharmacist as an incident to his dispensing of a controlled
5 substance in the course of his professional practice.

6 [21. "Marihuana" means all parts of the plant of the genus Cannabis,
7 whether growing or not; the seeds thereof; the resin extracted from any
8 part of the plant; and every compound, manufacture, salt, derivative,
9 mixture, or preparation of the plant, its seeds or resin. It does not
10 include the mature stalks of the plant, fiber produced from the stalks,
11 oil or cake made from the seeds of the plant, any other compound, manu-
12 facture, salt, derivative, mixture, or preparation of the mature stalks
13 (except the resin extracted therefrom), fiber, oil, or cake, or the
14 sterilized seed of the plant which is incapable of germination.

15 22.] 20. "Narcotic drug" means any of the following, whether produced
16 directly or indirectly by extraction from substances of vegetable
17 origin, or independently by means of chemical synthesis, or by a combi-
18 nation of extraction and chemical synthesis:

19 (a) opium and opiate, and any salt, compound, derivative, or prepara-
20 tion of opium or opiate;

21 (b) any salt, compound, isomer, derivative, or preparation thereof
22 which is chemically equivalent or identical with any of the substances
23 referred to in [subdivision] paragraph (a) of this subdivision, but not
24 including the isoquinoline alkaloids of opium;

25 (c) opium poppy and poppy straw.

26 [23.] 21. "Opiate" means any substance having an addiction-forming or
27 addiction-sustaining liability similar to morphine or being capable of
28 conversion into a drug having addiction-forming or addiction-sustaining

1 liability. It does not include, unless specifically designated as
2 controlled under section [3306] thirty-three hundred six of this [arti-
3 cle] title, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and
4 its salts (dextromethorphan). It does include its racemic and levorota-
5 tory forms.

6 [24.] 22. "Opium poppy" means the plant of the species *Papaver*
7 *somniferum* L., except its seeds.

8 [25.] 23. "Person" means individual, institution, corporation, govern-
9 ment or governmental subdivision or agency, business trust, estate,
10 trust, partnership or association, or any other legal entity.

11 [26.] 24. "Pharmacist" means any person licensed by the state depart-
12 ment of education to practice pharmacy.

13 [27.] 25. "Pharmacy" means any place registered as such by the New
14 York state board of pharmacy and registered with the Federal agency
15 pursuant to the federal controlled substances act.

16 [28.] 26. "Poppy straw" means all parts, except the seeds, of the
17 opium poppy, after mowing.

18 [29.] 27. "Practitioner" means:

19 A physician, dentist, podiatrist, veterinarian, scientific investi-
20 gator, or other person licensed, or otherwise permitted to dispense,
21 administer or conduct research with respect to a controlled substance in
22 the course of a licensed professional practice or research licensed
23 pursuant to this article. Such person shall be deemed a "practitioner"
24 only as to such substances, or conduct relating to such substances, as
25 is permitted by his license, permit or otherwise permitted by law.

26 [30.] 28. "Prescribe" means a direction or authorization, by
27 prescription, permitting an ultimate user lawfully to obtain controlled

1 substances from any person authorized by law to dispense such
2 substances.

3 [31.] 29. "Prescription" shall mean an official New York state
4 prescription, an electronic prescription, an oral prescription[,] or an
5 out-of-state prescription[, or any one].

6 [32.] 30. "Sell" means to sell, exchange, give or dispose of to anothe-
7 er, or offer or agree to do the same.

8 [33.] 31. "Ultimate user" means a person who lawfully obtains and
9 possesses a controlled substance for his own use or the use by a member
10 of his household or for an animal owned by him or in his custody. It
11 shall also mean and include a person designated, by a practitioner on a
12 prescription, to obtain such substance on behalf of the patient for whom
13 such substance is intended.

14 [34.] 32. "Internet" means collectively computer and telecommuni-
15 cations facilities which comprise the worldwide network of networks that
16 employ a set of industry standards and protocols, or any predecessor or
17 successor protocol to such protocol, to exchange information of all
18 kinds. "Internet," as used in this article, also includes other
19 networks, whether private or public, used to transmit information by
20 electronic means.

21 [35.] 33. "By means of the internet" means any sale, delivery,
22 distribution, or dispensing of a controlled substance that uses the
23 internet, is initiated by use of the internet or causes the internet to
24 be used.

25 [36.] 34. "Online dispenser" means a practitioner, pharmacy, or person
26 in the United States that sells, delivers or dispenses, or offers to
27 sell, deliver, or dispense, a controlled substance by means of the
28 internet.

1 [37.] 35. "Electronic prescription" means a prescription issued with
2 an electronic signature and transmitted by electronic means in accord-
3 ance with regulations of the commissioner and the commissioner of educa-
4 tion and consistent with federal requirements. A prescription generated
5 on an electronic system that is printed out or transmitted via facsimile
6 is not considered an electronic prescription and must be manually
7 signed.

8 [38.] 36. "Electronic" means of or relating to technology having elec-
9 trical, digital, magnetic, wireless, optical, electromagnetic or similar
10 capabilities. "Electronic" shall not include facsimile.

11 [39.] 37. "Electronic record" means a paperless record that is
12 created, generated, transmitted, communicated, received or stored by
13 means of electronic equipment and includes the preservation, retrieval,
14 use and disposition in accordance with regulations of the commissioner
15 and the commissioner of education and in compliance with federal law and
16 regulations.

17 [40.] 38. "Electronic signature" means an electronic sound, symbol, or
18 process, attached to or logically associated with an electronic record
19 and executed or adopted by a person with the intent to sign the record,
20 in accordance with regulations of the commissioner and the commissioner
21 of education.

22 [41.] 39. "Registry" or "prescription monitoring program registry"
23 means the prescription monitoring program registry established pursuant
24 to section thirty-three hundred forty-three-a of this article.

25 [42.] 40. "Compounding" means the combining, admixing, mixing, dilut-
26 ing, pooling, reconstituting, or otherwise altering of a drug or bulk
27 drug substance to create a drug with respect to an outsourcing facility

1 under section 503B of the federal Food, Drug and Cosmetic Act and
2 further defined in this section.

3 [43.] 41. "Outsourcing facility" means a facility that:

4 (a) is engaged in the compounding of sterile drugs as defined in
5 section sixty-eight hundred two of the education law;

6 (b) is currently registered as an outsourcing facility pursuant to
7 article one hundred thirty-seven of the education law; and

8 (c) complies with all applicable requirements of federal and state
9 law, including the Federal Food, Drug and Cosmetic Act.

10 Notwithstanding any other provision of law to the contrary, when an
11 outsourcing facility distributes or dispenses any drug to any person
12 pursuant to a prescription, such outsourcing facility shall be deemed to
13 be providing pharmacy services and shall be subject to all laws, rules
14 and regulations governing pharmacies and pharmacy services.

15 § 5. Paragraphs 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,
16 26, 27, 28, 29, 30, 31 and 32 of subdivision (d) of schedule I of
17 section 3306 of the public health law, paragraphs 13, 14, 15, 16, 17,
18 18, 19, 20, 21, 22, 23 and 24 as added by chapter 664 of the laws of
19 1985, paragraphs 25, 26, 27, 28, 29 and 30 as added by chapter 589 of
20 the laws of 1996 and paragraphs 31 and 32 as added by chapter 457 of the
21 laws of 2006, are amended to read as follows:

22 (13) [Marihuana.

23 (14)] Mescaline.

24 [(15)] (14) Parahexyl. Some trade or other names: 3-Hexyl-1-hydroxy-
25 7,8,9,10-tetra hydro-6,6,9-trimethyl-6H-dibenfo{b,d} pyran.

26 [(16)] (15) Peyote. Meaning all parts of the plant presently classi-
27 fied botanically as *Lophophora williamsii* Lemaire, whether growing or
28 not, the seeds thereof, any extract from any part of such plant, and

1 every compound, manufacture, salts, derivative, mixture, or preparation
2 of such plant, its seeds or extracts.

3 [(17)] (16) N-ethyl-3-piperidyl benzilate.

4 [(18)] (17) N-methyl-3-piperidyl benzilate.

5 [(19)] (18) Psilocybin.

6 [(20)] (19) Psilocyn.

7 [(21)] (20) Tetrahydrocannabinols. Synthetic tetrahydrocannabinols not
8 derived from the cannabis plant that are equivalents of the substances
9 contained in the plant, or in the resinous extractives of cannabis, sp.
10 and/or synthetic substances, derivatives, and their isomers with similar
11 chemical structure and pharmacological activity such as the following:

12 [/\] delta 1 cis or trans tetrahydrocannabinol, and their optical
13 isomers

14 [/\] delta 6 cis or trans tetrahydrocannabinol, and their optical
15 isomers

16 [/\] delta 3, 4 cis or trans tetrahydrocannabinol, and its optical
17 isomers (since nomenclature of these substances is not internationally
18 standardized, compounds of these structures, regardless of numerical
19 designation of atomic positions covered).

20 [(22)] (21) Ethylamine analog of phencyclidine. Some trade or other
21 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethyla-
22 mine, N-(1-phenylcyclohexyl) ethylamine cyclohexamine, PCE.

23 [(23)] (22) Pyrrolidine analog of phencyclidine. Some trade or other
24 names 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy, PHP.

25 [(24)] (23) Thiophene analog of phencyclidine. Some trade or other
26 names: 1-{1-(2-thienyl)-cyclohexyl}-piperidine, 2-thienyl analog of
27 phencyclidine, TPCP, TCP.

28 [(25)] (24) 3,4-methylenedioxymethamphetamine (MDMA).

1 [(26)] (25) 3,4-methylenedioxy-N-ethylamphetamine (also known as
2 N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA,
3 MDE, MDEA.

4 [(27)] (26) N-hydroxy-3,4-methylenedioxyamphetamine (also known as
5 N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and
6 N-hydroxy MDA.

7 [(28)] (27) 1-{1- (2-thienyl) cyclohexyl} pyrrolidine. Some other
8 names: TCPY.

9 [(29)] (28) Alpha-ethyltryptamine. Some trade or other names:
10 etryptamine; Monase; Alpha-ethyl-1H-indole-3-ethanamine;
11 3- (2-aminobutyl) indole; Alpha-ET or AET.

12 [(30)] (29) 2,5-dimethoxy-4-ethylamphetamine. Some trade or other
13 names: DOET.

14 [(31)] (30) 4-Bromo-2,5-dimethoxyphenethylamine. Some trade or other
15 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
16 DOB; 2C-B, Nexus.

17 [(32)] (31) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its
18 optical isomers, salts and salts of isomers.

19 § 6. Title 5-A of article 33 of the public health law is REPEALED.

20 § 7. Section 3382 of the public health law, as added by chapter 878 of
21 the laws of 1972, is amended to read as follows:

22 § 3382. Growing of the plant known as Cannabis by unlicensed persons.
23 A person who, without being licensed so to do under this article or
24 articles three, four or five of the cannabis law, grows the plant of the
25 genus Cannabis or knowingly allows it to grow on his land without
26 destroying the same, shall be guilty of a class A misdemeanor.

27 § 8. Subdivision 1 of section 3397-b of the public health law, as
28 added by chapter 810 of the laws of 1980, is amended to read as follows:

1 1. ["Marijuana"] "Cannabis" means [marijuana] cannabis as defined in
2 [section thirty-three hundred two of this chapter] subdivision three of
3 section three of the cannabis law and shall also include
4 tetrahydrocannabinols or a chemical derivative of tetrahydrocannabinol.

5 § 9. Subdivision 8 of section 1399-n of the public health law, as
6 amended by chapter 13 of the laws of 2003, is amended to read as
7 follows:

8 8. "Smoking" means the burning of a lighted cigar, cigarette, pipe or
9 any other matter or substance which contains tobacco or cannabis.

10 § 10. Subdivisions 5, 6 and 9 of section 220.00 of the penal law,
11 subdivision 5 as amended by chapter 537 of the laws of 1998, subdivision
12 6 as amended by chapter 1051 of the laws of 1973 and subdivision 9 as
13 amended by chapter 664 of the laws of 1985, are amended and a new subdi-
14 vision 21 is added to read as follows:

15 5. "Controlled substance" means any substance listed in schedule I,
16 II, III, IV or V of section thirty-three hundred six of the public
17 health law other than [marihuana] cannabis as defined in subdivision six
18 of this section, but including concentrated cannabis as defined in
19 [paragraph (a) of subdivision four of section thirty-three hundred two
20 of such law] subdivision twenty-one of this section.

21 6. ["Marihuana"] "Cannabis" means ["marihuana" or "concentrated canna-
22 bis" as those terms are defined in section thirty-three hundred two of
23 the public health law] all parts of the plant of the genus cannabis,
24 whether growing or not; the seeds thereof; the resin extracted from any
25 part of the plant; and every compound, manufacture, salt, derivative,
26 mixture, or preparation of the plant, its seeds or resin. It does not
27 include the mature stalks of the plant, fiber produced from the stalks,
28 oil or cake made from the seeds of the plant, any other compound, manu-

1 facture, salt, derivative, mixture, or preparation of the mature stalks
2 (except the resin extracted therefrom), fiber, oil, or cake, or the
3 sterilized seed of the plant which is incapable of germination. It does
4 not include all parts of the plant cannabis sativa l., whether growing
5 or not, having no more than three-tenths of one percent tetrahydrocanna-
6 binol (THC).

7 9. "Hallucinogen" means any controlled substance listed in schedule
8 I(d) (5), [(18), (19), (20), (21) and (22)] (17), (18), (19), (20) and
9 (21).

10 21. "Concentrated cannabis" means: (a) the separated resin, whether
11 crude or purified, obtained from a plant of the genus cannabis; or (b) a
12 material, preparation, mixture, compound or other substance which
13 contains more than three percent by weight of delta-9 tetrahydrocannabi-
14 nol, or its isomer, delta-8 dibenzopyran numbering system, or delta-1
15 tetrahydrocannabinol or its isomer, delta 1 (6) monoterpene numbering
16 system.

17 § 11. Subdivision 4 of section 220.06 of the penal law, as amended by
18 chapter 537 of the laws of 1998, is amended to read as follows:

19 4. one or more preparations, compounds, mixtures or substances
20 containing concentrated cannabis as defined in [paragraph (a) of subdi-
21 vision four of section thirty-three hundred two of the public health
22 law] subdivision twenty-one of section 220.00 of this article and said
23 preparations, compounds, mixtures or substances are of an aggregate
24 weight of one-fourth ounce or more; or

25 § 12. Subdivision 10 of section 220.09 of the penal law, as amended by
26 chapter 537 of the laws of 1998, is amended to read as follows:

27 10. one or more preparations, compounds, mixtures or substances
28 containing concentrated cannabis as defined in [paragraph (a) of subdi-

1 vision four of section thirty-three hundred two of the public health
2 law] subdivision twenty-one of section 220.00 of this article and said
3 preparations, compounds, mixtures or substances are of an aggregate
4 weight of one ounce or more; or

5 § 13. Subdivision 3 of section 220.34 of the penal law, as amended by
6 chapter 537 of the laws of 1998, is amended to read as follows:

7 3. concentrated cannabis as defined in [paragraph (a) of subdivision
8 four of section thirty-three hundred two of the public health law]
9 subdivision twenty-one of section 220.00 of this article; or

10 § 14. Section 220.50 of the penal law, as amended by chapter 627 of
11 the laws of 1990, is amended to read as follows:

12 § 220.50 Criminally using drug paraphernalia in the second degree.

13 A person is guilty of criminally using drug paraphernalia in the
14 second degree when he knowingly possesses or sells:

15 1. Diluents, dilutants or adulterants, including but not limited to,
16 any of the following: quinine hydrochloride, mannitol, mannite, lactose
17 or dextrose, adapted for the dilution of narcotic drugs or stimulants
18 under circumstances evincing an intent to use, or under circumstances
19 evincing knowledge that some person intends to use, the same for
20 purposes of unlawfully mixing, compounding, or otherwise preparing any
21 narcotic drug or stimulant, other than cannabis or concentrated
22 cannabis; or

23 2. Gelatine capsules, glassine envelopes, vials, capsules or any other
24 material suitable for the packaging of individual quantities of narcotic
25 drugs or stimulants under circumstances evincing an intent to use, or
26 under circumstances evincing knowledge that some person intends to use,
27 the same for the purpose of unlawfully manufacturing, packaging or

1 dispensing of any narcotic drug or stimulant, other than cannabis or
2 concentrated cannabis; or

3 3. Scales and balances used or designed for the purpose of weighing or
4 measuring controlled substances, under circumstances evincing an intent
5 to use, or under circumstances evincing knowledge that some person
6 intends to use, the same for purpose of unlawfully manufacturing, pack-
7 aging or dispensing of any narcotic drug or stimulant, other than canna-
8 bis or concentrated cannabis.

9 Criminally using drug paraphernalia in the second degree is a class A
10 misdemeanor.

11 § 15. Section 221.00 of the penal law, as amended by chapter 90 of the
12 laws of 2014, is amended to read as follows:

13 § 221.00 [Marihuana] Cannabis; definitions.

14 Unless the context in which they are used clearly otherwise requires,
15 the terms occurring in this article shall have the same meaning ascribed
16 to them in article two hundred twenty of this chapter. Any act that is
17 lawful under [title five-A of article thirty-three of the public health]
18 articles three, four or five, of the cannabis law is not a violation of
19 this article.

20 § 15-a. Section 221.00 of the penal law, as added by chapter 360 of
21 the laws of 1977, is amended to read as follows:

22 § 221.00 [Marihuana] Cannabis; definitions.

23 Unless the context in which they are used clearly otherwise requires,
24 the terms occurring in this article shall have the same meaning ascribed
25 to them in article two hundred twenty of this chapter.

26 § 16. Section 221.05 of the penal law, as added by chapter 360 of the
27 laws of 1977, is amended to read as follows:

28 § 221.05 Unlawful possession of [marihuana] cannabis.

1 A person is guilty of unlawful possession of [marihuana] cannabis when
2 he or she knowingly and unlawfully possesses [marihuana.]:

3 1. cannabis and is less than twenty-one years of age; or

4 2. cannabis in a public place, as defined in section 240.00 of this
5 part, and such cannabis is burning.

6 Unlawful possession of [marihuana] cannabis is a violation punishable
7 only by a fine of not more than one hundred fifty dollars[. However,
8 where the defendant has previously been convicted of an offense defined
9 in this article or article 220 of this chapter, committed within the
10 three years immediately preceding such violation, it shall be punishable
11 (a) only by a fine of not more than two hundred dollars, if the defend-
12 ant was previously convicted of one such offense committed during such
13 period, and (b) by a fine of not more than two hundred fifty dollars or
14 a term of imprisonment not in excess of fifteen days or both, if the
15 defendant was previously convicted of two such offenses committed during
16 such period] when such possession is by a person less than twenty-one
17 years of age and of an aggregate weight of less than one-half of one
18 ounce or a fine of not more than one hundred dollars when such
19 possession is by a person less than twenty-one years of age and of an
20 aggregate weight more than one-half of one ounce but not more than one
21 ounce. Unlawful possession of marijuana is punishable by a fine of not
22 more than one hundred twenty-five dollars when such possession is in a
23 public place and such cannabis is burning. The term burning in this
24 section shall have the same meaning as the term vaping as defined in
25 subdivision eight of section thirteen hundred ninety-nine-n of the
26 public health law.

1 § 17. Section 221.15 of the penal law, as amended by chapter 265 of
2 the laws of 1979, the opening paragraph as amended by chapter 75 of the
3 laws of 1995, is amended to read as follows:

4 § 221.15 Criminal possession of [marihuana] cannabis in the [fourth]
5 third degree.

6 A person is guilty of criminal possession of [marihuana] cannabis in
7 the [fourth] third degree when he or she knowingly and unlawfully
8 possesses [one or more preparations, compounds, mixtures or substances
9 containing marihuana and the preparations, compounds, mixtures or
10 substances are of] an aggregate weight of more than [two ounces] one
11 ounce of cannabis or more than five grams of concentrated cannabis.

12 Criminal possession of [marihuana] cannabis in the [fourth] third
13 degree is a [class A misdemeanor] violation punishable by a fine of not
14 more than one hundred twenty-five dollars. The provisions of this
15 section shall not apply to certified patients or designated caregivers
16 as lawfully registered under article three of the cannabis law.

17 § 18. Section 221.20 of the penal law, as amended by chapter 265 of
18 the laws of 1979, the opening paragraph as amended by chapter 75 of the
19 laws of 1995, is amended to read as follows:

20 § 221.20 Criminal possession of [marihuana] cannabis in the [third]
21 second degree.

22 A person is guilty of criminal possession of [marihuana] cannabis in
23 the [third] second degree when he or she knowingly and unlawfully
24 possesses [one or more preparations, compounds, mixtures or substances
25 containing marihuana and the preparations, compounds, mixtures or
26 substances are of] an aggregate weight of more than [eight] two ounces
27 of cannabis or more than ten ounces of concentrated cannabis.

1 Criminal possession of [marihuana] cannabis in the [third] second
2 degree is a class [E felony] A misdemeanor punishable by a fine not more
3 than one hundred twenty-five dollars per ounce possessed in excess of
4 two ounces. However, where the defendant has previously been convicted
5 of an offense defined in this article or article two hundred twenty of
6 this title, committed within the three years immediately preceding such
7 violation, it shall be punishable (a) only by a fine of not more than
8 two hundred dollars per ounce possessed in excess of two ounces, if the
9 defendant was previously convicted of one such offense committed during
10 such period, and (b) by a fine of not more than two hundred fifty
11 dollars per ounce possessed in excess of two ounces or a term of impri-
12 sonment not in excess of fifteen days or both, if the defendant was
13 previously convicted of two such offenses committed during such period.
14 The provisions of this section shall not apply to certified patients or
15 designated caregivers as lawfully registered under article three of the
16 cannabis law.

17 § 19. Section 221.25 of the penal law, as amended by chapter 265 of
18 the laws of 1979, the opening paragraph as amended by chapter 75 of the
19 laws of 1995, is amended to read as follows:

20 § 221.25 Criminal possession of [marihuana] cannabis in the [second]
21 first degree.

22 A person is guilty of criminal possession of [marihuana] cannabis in
23 the [second] first degree when he or she knowingly and unlawfully
24 possesses [one or more preparations, compounds, mixtures or substances
25 containing marihuana and the preparations, compounds, mixtures or
26 substances are of] an aggregate weight of more than [sixteen] sixty-four
27 ounces of cannabis or more than eighty grams of concentrated cannabis.

1 Criminal possession of [marihuana] cannabis in the [second] first
2 degree is a class [D] E felony.

3 § 20. Sections 221.10 and 221.30 of the penal law are REPEALED.

4 § 21. Section 221.35 of the penal law, as amended by chapter 265 of
5 the laws of 1979, the opening paragraph as amended by chapter 75 of the
6 laws of 1995, is amended to read as follows:

7 § 221.35 Criminal sale of [marihuana] cannabis in the fifth degree.

8 A person is guilty of criminal sale of [marihuana] cannabis in the
9 fifth degree when he or she knowingly and unlawfully sells, [without]
10 for consideration[, one or more preparations, compounds, mixtures or
11 substances containing marihuana and the preparations, compounds,
12 mixtures or substances are] cannabis or cannabis concentrate of [an
13 aggregate weight of two grams or less; or one cigarette containing mari-
14 huana] any weight.

15 Criminal sale of [marihuana] cannabis in the fifth degree is a [class
16 B misdemeanor] violation punishable by a fine not more than the greater
17 of two-hundred and fifty dollars or two times the value of the sale.

18 § 22. Section 221.40 of the penal law, as added by chapter 360 of the
19 laws of 1977, is amended to read as follows:

20 § 221.40 Criminal sale of [marihuana] cannabis in the fourth degree.

21 A person is guilty of criminal sale of [marihuana] cannabis in the
22 fourth degree when he or she knowingly and unlawfully sells [marihuana
23 except as provided in section 221.35 of this article] cannabis of an
24 aggregate weight of more than one ounce or more than five grams of
25 cannabis concentrate.

26 Criminal sale of [marihuana] cannabis in the fourth degree is a [class
27 A] misdemeanor punishable by a fine of not more than the greater of five

1 hundred dollars or two times the value of the sale or a maximum of three
2 months imprisonment, or both.

3 § 23. Section 221.45 of the penal law, as amended by chapter 265 of
4 the laws of 1979, the opening paragraph as amended by chapter 75 of the
5 laws of 1995, is amended to read as follows:

6 § 221.45 Criminal sale of [marihuana] cannabis in the third degree.

7 A person is guilty of criminal sale of [marihuana] cannabis in the
8 third degree when he or she knowingly and unlawfully sells [one or more
9 preparations, compounds, mixtures or substances containing marihuana and
10 the preparations, compounds, mixtures or substances are of an aggregate
11 weight of more than twenty-five grams] four ounces of cannabis or more
12 than twenty grams of concentrated cannabis.

13 Criminal sale of [marihuana] cannabis in the third degree is a [class
14 E felony] misdemeanor punishable by a fine of not more than the greater
15 of one thousand dollars or two times the value of the sale or a maximum
16 of one year imprisonment or both.

17 § 24. Section 221.50 of the penal law, as amended by chapter 265 of
18 the laws of 1979, the opening paragraph as amended by chapter 75 of the
19 laws of 1995, is amended to read as follows:

20 § 221.50 Criminal sale of [marihuana] cannabis in the second degree.

21 A person is guilty of criminal sale of [marihuana] cannabis in the
22 second degree when he knowingly and unlawfully sells [one or more prepa-
23 rations, compounds, mixtures or substances containing marihuana and the
24 preparations, compounds, mixtures or substances are of an aggregate
25 weight of] more than [four ounces, or knowingly and unlawfully sells one
26 or more preparations, compounds, mixtures or substances containing mari-
27 huana to a person less than eighteen years of age] sixteen ounces of
28 cannabis or more than eighty grams of concentrated cannabis or any

1 amount of cannabis or concentrated cannabis to any person under twenty-
2 one years of age.

3 Criminal sale of [marihuana] cannabis in the second degree is a class
4 D felony.

5 § 25. Section 221.55 of the penal law, as amended by chapter 265 of
6 the laws of 1979, the opening paragraph as amended by chapter 75 of the
7 laws of 1995, is amended to read as follows:

8 § 221.55 Criminal sale of [marihuana] cannabis in the first degree.

9 A person is guilty of criminal sale of [marihuana] cannabis in the
10 first degree when he knowingly and unlawfully sells [one or more prepa-
11 rations, compounds, mixtures or substances containing marihuana and the
12 preparations, compounds, mixtures or substances are of an aggregate
13 weight of] more than [sixteen] sixty-four ounces of cannabis or three
14 hundred and twenty grams of cannabis concentrate.

15 Criminal sale of [marihuana] cannabis in the first degree is a class C
16 felony.

17 § 26. The penal law is amended by adding a new section 221.60 to read
18 as follows:

19 § 221.60 Licensing of cannabis production and distribution.

20 The provisions of this article and of article two hundred twenty of
21 this title shall not apply to any person exempted from criminal penal-
22 ties pursuant to the provisions of this chapter or possessing, manufac-
23 turing, transporting, distributing, selling or transferring cannabis or
24 concentrated cannabis, or engaged in any other action that is in compli-
25 ance with articles three, four or five of the cannabis law.

26 § 27. Paragraphs (i), (j) and (k) of subdivision 3 of section 160.50
27 of the criminal procedure law, paragraphs (i) and (j) as added by chap-
28 ter 905 of the laws of 1977, paragraph (k) as added by chapter 835 of

1 the laws of 1977 and as relettered by chapter 192 of the laws of 1980
2 and such subdivision as renumbered by chapter 142 of the laws of 1991,
3 are amended to read as follows:

4 (i) prior to the filing of an accusatory instrument in a local crimi-
5 nal court against such person, the prosecutor elects not to prosecute
6 such person. In such event, the prosecutor shall serve a certification
7 of such disposition upon the division of criminal justice services and
8 upon the appropriate police department or law enforcement agency which,
9 upon receipt thereof, shall comply with the provisions of paragraphs
10 (a), (b), (c) and (d) of subdivision one of this section in the same
11 manner as is required thereunder with respect to an order of a court
12 entered pursuant to said subdivision one[.]; or

13 (j) following the arrest of such person, the arresting police agency,
14 prior to the filing of an accusatory instrument in a local criminal
15 court but subsequent to the forwarding of a copy of the fingerprints of
16 such person to the division of criminal justice services, elects not to
17 proceed further. In such event, the head of the arresting police agency
18 shall serve a certification of such disposition upon the division of
19 criminal justice services which, upon receipt thereof, shall comply with
20 the provisions of paragraphs (a), (b), (c) and (d) of subdivision one of
21 this section in the same manner as is required thereunder with respect
22 to an order of a court entered pursuant to said subdivision one[.]; or

23 (k) (i) The accusatory instrument alleged a violation of article two
24 hundred twenty or section 240.36 of the penal law, prior to the taking
25 effect of article two hundred twenty-one of the penal law, or a
26 violation of article two hundred twenty-one of the penal law; (ii) the
27 sole controlled substance involved is [marijuana] cannabis; and (iii)

1 the conviction was only for a violation or violations[; and (iv) at
2 least three years have passed since the offense occurred].

3 § 28. Paragraph (f) of subdivision 2 of section 850 of the general
4 business law is REPEALED.

5 § 29. Paragraph (h) of subdivision 2 of section 850 of the general
6 business law, as amended by chapter 812 of the laws of 1980, is amended
7 to read as follows:

8 (h) Objects, used or designed for the purpose of ingesting, inhaling,
9 or otherwise introducing [marihuana,] cocaine, hashish, or hashish oil
10 into the human body.

11 § 30. Section 114-a of the vehicle and traffic law, as added by chap-
12 ter 163 of the laws of 1973, is amended to read as follows:

13 § 114-a. Drug. The term "drug" when used in this chapter, means and
14 includes any substance listed in section thirty-three hundred six of the
15 public health law and cannabis and concentrated cannabis as defined in
16 section 220.00 of the penal law.

17 § 31. The article heading of article 20-B of the tax law, as added by
18 chapter 90 of the laws of 2014, is amended to read as follows:

19 ARTICLE 20-B

20 EXCISE TAX ON MEDICAL [MARIHUANA] CANNABIS

21 § 32. The paragraph heading and subparagraph (i) of paragraph (b) of
22 subdivision 1 of section 1193 of the vehicle and traffic law, as amended
23 by chapter 169 of the laws of 2013, are amended to read as follows:

24 Driving while intoxicated or while ability impaired by drugs or while
25 ability impaired by the combined influence of drugs or of alcohol and
26 any drug or drugs; aggravated driving while intoxicated; misdemeanor
27 offenses. (i) A violation of subdivision two, three, or four [or four-a]
28 of section eleven hundred ninety-two of this article shall be a misde-

1 meanor and shall be punishable by a fine of not less than five hundred
2 dollars nor more than one thousand dollars, or by imprisonment in a
3 penitentiary or county jail for not more than one year, or by both such
4 fine and imprisonment. A violation of paragraph (a) of subdivision two-a
5 of section eleven hundred ninety-two of this article shall be a misde-
6 meanor and shall be punishable by a fine of not less than one thousand
7 dollars nor more than two thousand five hundred dollars or by imprison-
8 ment in a penitentiary or county jail for not more than one year, or by
9 both such fine and imprisonment.

10 § 33. The paragraph heading and subparagraph (i) of paragraph (c) of
11 subdivision 1 of section 1193 of the vehicle and traffic law, as amended
12 by chapter 169 of the laws of 2013, are amended to read as follows:

13 Felony offenses. (i) A person who operates a vehicle (A) in violation
14 of subdivision four-a of section eleven hundred ninety-two of this arti-
15 cle or in violation of subdivision two, two-a, three, or four [or
16 four-a] of section eleven hundred ninety-two of this article after
17 having been convicted of a violation of subdivision two, two-a, three,
18 four or four-a of such section or of vehicular assault in the second or
19 first degree, as defined, respectively, in sections 120.03 and 120.04
20 and aggravated vehicular assault as defined in section 120.04-a of the
21 penal law or of vehicular manslaughter in the second or first degree, as
22 defined, respectively, in sections 125.12 and 125.13 and aggravated
23 vehicular homicide as defined in section 125.14 of such law, within the
24 preceding ten years, or (B) in violation of paragraph (b) of subdivision
25 two-a of section eleven hundred ninety-two of this article shall be
26 guilty of a class E felony, and shall be punished by a fine of not less
27 than one thousand dollars nor more than five thousand dollars or by a

1 period of imprisonment as provided in the penal law, or by both such
2 fine and imprisonment.

3 § 34. Subdivision 1 of section 171-a of the tax law, as amended by
4 section 3 of part MM of chapter 59 of the laws of 2018, is amended to
5 read as follows:

6 1. All taxes, interest, penalties and fees collected or received by
7 the commissioner or the commissioner's duly authorized agent under arti-
8 cles nine (except section one hundred eighty-two-a thereof and except as
9 otherwise provided in section two hundred five thereof), nine-A,
10 twelve-A (except as otherwise provided in section two hundred eighty-
11 four-d thereof), thirteen, thirteen-A (except as otherwise provided in
12 section three hundred twelve thereof), eighteen, nineteen, twenty
13 (except as otherwise provided in section four hundred eighty-two there-
14 of), twenty-B, twenty-C, twenty-one, twenty-two, twenty-four, twenty-
15 six, twenty-eight (except as otherwise provided in section eleven
16 hundred two or eleven hundred three thereof), twenty-eight-A, twenty-
17 nine-B, thirty-one (except as otherwise provided in section fourteen
18 hundred twenty-one thereof), thirty-three and thirty-three-A of this
19 chapter shall be deposited daily in one account with such responsible
20 banks, banking houses or trust companies as may be designated by the
21 comptroller, to the credit of the comptroller. Such an account may be
22 established in one or more of such depositories. Such deposits shall be
23 kept separate and apart from all other money in the possession of the
24 comptroller. The comptroller shall require adequate security from all
25 such depositories. Of the total revenue collected or received under such
26 articles of this chapter, the comptroller shall retain in the comp-
27 troller's hands such amount as the commissioner may determine to be
28 necessary for refunds or reimbursements under such articles of this

1 chapter out of which amount the comptroller shall pay any refunds or
2 reimbursements to which taxpayers shall be entitled under the provisions
3 of such articles of this chapter. The commissioner and the comptroller
4 shall maintain a system of accounts showing the amount of revenue
5 collected or received from each of the taxes imposed by such articles.
6 The comptroller, after reserving the amount to pay such refunds or
7 reimbursements, shall, on or before the tenth day of each month, pay
8 into the state treasury to the credit of the general fund all revenue
9 deposited under this section during the preceding calendar month and
10 remaining to the comptroller's credit on the last day of such preceding
11 month, (i) except that the comptroller shall pay to the state department
12 of social services that amount of overpayments of tax imposed by article
13 twenty-two of this chapter and the interest on such amount which is
14 certified to the comptroller by the commissioner as the amount to be
15 credited against past-due support pursuant to subdivision six of section
16 one hundred seventy-one-c of this article, (ii) and except that the
17 comptroller shall pay to the New York state higher education services
18 corporation and the state university of New York or the city university
19 of New York respectively that amount of overpayments of tax imposed by
20 article twenty-two of this chapter and the interest on such amount which
21 is certified to the comptroller by the commissioner as the amount to be
22 credited against the amount of defaults in repayment of guaranteed
23 student loans and state university loans or city university loans pursu-
24 ant to subdivision five of section one hundred seventy-one-d and subdivi-
25 sion six of section one hundred seventy-one-e of this article, (iii)
26 and except further that, notwithstanding any law, the comptroller shall
27 credit to the revenue arrearage account, pursuant to section
28 ninety-one-a of the state finance law, that amount of overpayment of tax

1 imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B
2 or thirty-three of this chapter, and any interest thereon, which is
3 certified to the comptroller by the commissioner as the amount to be
4 credited against a past-due legally enforceable debt owed to a state
5 agency pursuant to paragraph (a) of subdivision six of section one
6 hundred seventy-one-f of this article, provided, however, he shall cred-
7 it to the special offset fiduciary account, pursuant to section ninety-
8 one-c of the state finance law, any such amount creditable as a liabil-
9 ity as set forth in paragraph (b) of subdivision six of section one
10 hundred seventy-one-f of this article, (iv) and except further that the
11 comptroller shall pay to the city of New York that amount of overpayment
12 of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A,
13 thirty-B or thirty-three of this chapter and any interest thereon that
14 is certified to the comptroller by the commissioner as the amount to be
15 credited against city of New York tax warrant judgment debt pursuant to
16 section one hundred seventy-one-l of this article, (v) and except
17 further that the comptroller shall pay to a non-obligated spouse that
18 amount of overpayment of tax imposed by article twenty-two of this chap-
19 ter and the interest on such amount which has been credited pursuant to
20 section one hundred seventy-one-c, one hundred seventy-one-d, one
21 hundred seventy-one-e, one hundred seventy-one-f or one hundred seven-
22 ty-one-l of this article and which is certified to the comptroller by
23 the commissioner as the amount due such non-obligated spouse pursuant to
24 paragraph six of subsection (b) of section six hundred fifty-one of this
25 chapter; and (vi) the comptroller shall deduct a like amount which the
26 comptroller shall pay into the treasury to the credit of the general
27 fund from amounts subsequently payable to the department of social
28 services, the state university of New York, the city university of New

1 York, or the higher education services corporation, or the revenue
2 arrearage account or special offset fiduciary account pursuant to
3 section ninety-one-a or ninety-one-c of the state finance law, as the
4 case may be, whichever had been credited the amount originally withheld
5 from such overpayment, and (vii) with respect to amounts originally
6 withheld from such overpayment pursuant to section one hundred seventy-
7 one-1 of this article and paid to the city of New York, the comptroller
8 shall collect a like amount from the city of New York.

9 § 35. Section 490 of the tax law, as added by chapter 90 of the laws
10 of 2014, is amended to read as follows:

11 § 490. [Definitions] Excise tax on medical cannabis. 1. (a) [All
12 definitions of terms applicable to title five-A of article thirty-three
13 of the public health law shall apply to this article.] For purposes of
14 this article, the terms "medical cannabis," "registered organization,"
15 "certified patient," and "designated caregiver" shall have the same
16 definitions as in section three of the cannabis law.

17 (b) As used in this section, where not otherwise specifically defined
18 and unless a different meaning is clearly required "gross receipt" means
19 the amount received in or by reason of any sale, conditional or other-
20 wise, of medical [marihuana] cannabis or in or by reason of the furnish-
21 ing of medical [marihuana] cannabis from the sale of medical [marihuana]
22 cannabis provided by a registered organization to a certified patient or
23 designated caregiver. Gross receipt is expressed in money, whether paid
24 in cash, credit or property of any kind or nature, and shall be deter-
25 mined without any deduction therefrom on account of the cost of the
26 service sold or the cost of materials, labor or services used or other
27 costs, interest or discount paid, or any other expenses whatsoever.
28 "Amount received" for the purpose of the definition of gross receipt, as

1 the term gross receipt is used throughout this article, means the amount
2 charged for the provision of medical [marihuana] cannabis.

3 2. There is hereby imposed an excise tax on the gross receipts from
4 the sale of medical [marihuana] cannabis by a registered organization to
5 a certified patient or designated caregiver, to be paid by the regis-
6 tered organization, at the rate of seven percent. The tax imposed by
7 this article shall be charged against and be paid by the registered
8 organization and shall not be added as a separate charge or line item on
9 any sales slip, invoice, receipt or other statement or memorandum of the
10 price given to the retail customer.

11 3. The commissioner may make, adopt and amend rules, regulations,
12 procedures and forms necessary for the proper administration of this
13 article.

14 4. Every registered organization that makes sales of medical [marihua-
15 na] cannabis subject to the tax imposed by this article shall, on or
16 before the twentieth date of each month, file with the commissioner a
17 return on forms to be prescribed by the commissioner, showing its
18 receipts from the retail sale of medical [marihuana] cannabis during the
19 preceding calendar month and the amount of tax due thereon. Such returns
20 shall contain such further information as the commissioner may require.
21 Every registered organization required to file a return under this
22 section shall, at the time of filing such return, pay to the commission-
23 er the total amount of tax due on its retail sales of medical [marihua-
24 na] cannabis for the period covered by such return. If a return is not
25 filed when due, the tax shall be due on the day on which the return is
26 required to be filed.

27 5. Whenever the commissioner shall determine that any moneys received
28 under the provisions of this article were paid in error, he may cause

1 the same to be refunded, with interest, in accordance with such rules
2 and regulations as he may prescribe, except that no interest shall be
3 allowed or paid if the amount thereof would be less than one dollar.
4 Such interest shall be at the overpayment rate set by the commissioner
5 pursuant to subdivision twenty-sixth of section one hundred seventy-one
6 of this chapter, or if no rate is set, at the rate of six percent per
7 annum, from the date when the tax, penalty or interest to be refunded
8 was paid to a date preceding the date of the refund check by not more
9 than thirty days. Provided, however, that for the purposes of this
10 subdivision, any tax paid before the last day prescribed for its payment
11 shall be deemed to have been paid on such last day. Such moneys received
12 under the provisions of this article which the commissioner shall deter-
13 mine were paid in error, may be refunded out of funds in the custody of
14 the comptroller to the credit of such taxes provided an application
15 therefor is filed with the commissioner within two years from the time
16 the erroneous payment was made.

17 6. The provisions of article twenty-seven of this chapter shall apply
18 to the tax imposed by this article in the same manner and with the same
19 force and effect as if the language of such article had been incorpo-
20 rated in full into this section and had expressly referred to the tax
21 imposed by this article, except to the extent that any provision of such
22 article is either inconsistent with a provision of this article or is
23 not relevant to this article.

24 7. All taxes, interest and penalties collected or received by the
25 commissioner under this article shall be deposited and disposed of
26 pursuant to the provisions of section one hundred seventy-one-a of this
27 chapter, provided that an amount equal to one hundred percent collected
28 under this article less any amount determined by the commissioner to be

1 reserved by the comptroller for refunds or reimbursements shall be paid
2 by the comptroller to the credit of the medical [marihuana] cannabis
3 trust fund established by section eighty-nine-h of the state finance
4 law.

5 8. A registered organization that dispenses medical [marihuana] canna-
6 bis shall provide to the department information on where the medical
7 [marihuana] cannabis was dispensed and where the medical [marihuana]
8 cannabis was manufactured. A registered organization that obtains [mari-
9 huana] cannabis from another registered organization shall obtain from
10 such registered organization information on where the medical [marihua-
11 na] cannabis was manufactured.

12 § 36. Section 491 of the tax law, as added by chapter 90 of the laws
13 of 2014, subdivision 1 as amended by section 1 of part II of chapter 60
14 of the laws of 2016, is amended to read as follows:

15 § 491. Returns to be secret. 1. Except in accordance with proper judi-
16 cial order or as in this section or otherwise provided by law, it shall
17 be unlawful for the commissioner, any officer or employee of the depart-
18 ment, or any officer or person who, pursuant to this section, is permit-
19 ted to inspect any return or report or to whom a copy, an abstract or a
20 portion of any return or report is furnished, or to whom any information
21 contained in any return or report is furnished, or any person engaged or
22 retained by such department on an independent contract basis or any
23 person who in any manner may acquire knowledge of the contents of a
24 return or report filed pursuant to this article to divulge or make known
25 in any manner the contents or any other information relating to the
26 business of a distributor, owner or other person contained in any return
27 or report required under this article. The officers charged with the
28 custody of such returns or reports shall not be required to produce any

1 of them or evidence of anything contained in them in any action or
2 proceeding in any court, except on behalf of the state, [the state
3 department of health] office of cannabis management, or the commissioner
4 in an action or proceeding under the provisions of this chapter or on
5 behalf of the state or the commissioner in any other action or proceed-
6 ing involving the collection of a tax due under this chapter to which
7 the state or the commissioner is a party or a claimant or on behalf of
8 any party to any action or proceeding under the provisions of this arti-
9 cle, when the returns or the reports or the facts shown thereby are
10 directly involved in such action or proceeding, or in an action or
11 proceeding relating to the regulation or taxation of medical [marihuana]
12 cannabis on behalf of officers to whom information shall have been
13 supplied as provided in subdivision two of this section, in any of which
14 events the court may require the production of, and may admit in
15 evidence so much of said returns or reports or of the facts shown there-
16 by as are pertinent to the action or proceeding and no more. Nothing
17 herein shall be construed to prohibit the commissioner, in his or her
18 discretion, from allowing the inspection or delivery of a certified copy
19 of any return or report filed under this article or of any information
20 contained in any such return or report by or to a duly authorized offi-
21 cer or employee of the [state department of health] office of cannabis
22 management; or by or to the attorney general or other legal represen-
23 tatives of the state when an action shall have been recommended or
24 commenced pursuant to this chapter in which such returns or reports or
25 the facts shown thereby are directly involved; or the inspection of the
26 returns or reports required under this article by the comptroller or
27 duly designated officer or employee of the state department of audit and
28 control, for purposes of the audit of a refund of any tax paid by a

1 registered organization or other person under this article; nor to
2 prohibit the delivery to a registered organization, or a duly authorized
3 representative of such registered organization, a certified copy of any
4 return or report filed by such registered organization pursuant to this
5 article, nor to prohibit the publication of statistics so classified as
6 to prevent the identification of particular returns or reports and the
7 items thereof. This section shall also not be construed to prohibit the
8 disclosure, for tax administration purposes, to the division of the
9 budget and the office of the state comptroller, of information aggre-
10 gated from the returns filed by all the registered organizations making
11 sales of, or manufacturing, medical [marihuana] cannabis in a specified
12 county, whether the number of such registered organizations is one or
13 more. Provided further that, notwithstanding the provisions of this
14 subdivision, the commissioner may, in his or her discretion, permit the
15 proper officer of any county entitled to receive an allocation, follow-
16 ing appropriation by the legislature, pursuant to this article and
17 section eighty-nine-h of the state finance law, or the authorized repre-
18 sentative of such officer, to inspect any return filed under this arti-
19 cle, or may furnish to such officer or the officer's authorized repre-
20 sentative an abstract of any such return or supply such officer or such
21 representative with information concerning an item contained in any such
22 return, or disclosed by any investigation of tax liability under this
23 article.

24 2. The commissioner, in his or her discretion and pursuant to such
25 rules and regulations as he or she may adopt, may permit [the commis-
26 sioner of internal revenue of the United States, or] the appropriate
27 officers of any other state which regulates or taxes medical [marihuana]
28 cannabis, or the duly authorized representatives of such [commissioner

1 or of any such] officers, to inspect returns or reports made pursuant to
2 this article, or may furnish to such [commissioner or] other officers,
3 or duly authorized representatives, a copy of any such return or report
4 or an abstract of the information therein contained, or any portion
5 thereof, or may supply [such commissioner or] any such officers or such
6 representatives with information relating to the business of a regis-
7 tered organization making returns or reports hereunder. The commissioner
8 may refuse to supply information pursuant to this subdivision [to the
9 commissioner of internal revenue of the United States or] to the offi-
10 cers of any other state if the statutes [of the United States, or] of
11 the state represented by such officers, do not grant substantially simi-
12 lar privileges to the commissioner, but such refusal shall not be manda-
13 tory. Information shall not be supplied to [the commissioner of internal
14 revenue of the United States or] the appropriate officers of any other
15 state which regulates or taxes medical [marihuana] cannabis, or the duly
16 authorized representatives [of such commissioner or] of any of such
17 officers, unless such [commissioner,] officer or other representatives
18 shall agree not to divulge or make known in any manner the information
19 so supplied, but such officers may transmit such information to their
20 employees or legal representatives when necessary, who in turn shall be
21 subject to the same restrictions as those hereby imposed upon such
22 [commissioner,] officer or other representatives.

23 3. (a) Any officer or employee of the state who willfully violates the
24 provisions of subdivision one or two of this section shall be dismissed
25 from office and be incapable of holding any public office in this state
26 for a period of five years thereafter.

27 (b) Cross-reference: For criminal penalties, see article thirty-seven
28 of this chapter.

1 § 37. The tax law is amended by adding a new article 20-C to read as
2 follows:

3 ARTICLE 20-C

4 TAX ON ADULT-USE CANNABIS PRODUCTS

5 Section 492. Definitions.

6 493. Tax on cannabis.

7 494. Registration and renewal.

8 495. Returns and payment of tax.

9 496. Returns to be kept secret.

10 § 492. Definitions. For purposes of this article, the following defi-
11 nitions shall apply:

12 (a) "Cannabis" means all parts of a plant of the genus cannabis,
13 whether growing or not; the seeds thereof; the resin extracted from any
14 part of the plant; and every compound, manufacture, salt, derivative,
15 mixture, or preparation of the plant, its seeds or resin. For purposes
16 of this article, cannabis does not include medical cannabis or hemp as
17 defined in section three of the cannabis law.

18 (b) "Cannabis flower" means the flower of a plant of the genus canna-
19 bis that has been harvested, dried, and cured, and prior to any process-
20 ing whereby the plant material is transformed into a concentrate,
21 including, but not limited to, concentrated cannabis, or an edible or
22 topical product containing cannabis or concentrated cannabis and other
23 ingredients. Cannabis flower excludes leaves and stem.

24 (c) "Cannabis trim" means all parts of a plant of the genus cannabis
25 other than cannabis flowers that have been harvested, dried, and cured,
26 and prior to any processing whereby the plant material is transformed
27 into a concentrate, including, but not limited to, concentrated canna-

1 bis, or an edible or topical product containing cannabis and other
2 ingredients.

3 (d) "Adult-use cannabis product" means a cannabis product as defined
4 in section three of the cannabis law. For purposes of this article,
5 under no circumstances shall adult-use cannabis product include medical
6 cannabis or hemp cannabis as defined in section three of the cannabis
7 law.

8 (e) "Person" means every individual, partnership, limited liability
9 company, society, association, joint stock company, corporation, estate,
10 receiver, trustee, assignee, referee, and any other person acting in a
11 fiduciary or representative capacity, whether appointed by a court or
12 otherwise, and any combination of the foregoing.

13 (f) "Wholesaler" means any person that sells or transfers adult-use
14 cannabis products to a retail dispensary licensed pursuant to section
15 seventy-two of the cannabis law. Where the cultivator or processor is
16 also the retail dispensary, the retail dispensary shall be the whole-
17 saler for purposes of this article.

18 (g) "Cultivation" has the same meaning as described in subdivision two
19 of section sixty-eight of the cannabis law.

20 (h) "Retail dispensary" means a dispensary licensed to sell adult-use
21 cannabis products pursuant to section seventy-two of the cannabis law.

22 (i) "Transfer" means to grant, convey, hand over, assign, sell,
23 exchange or barter, in any manner or by any means, with or without
24 consideration.

25 (j) "Sale" means any transfer of title, possession or both, exchange
26 or barter, rental, lease or license to use or consume, conditional or
27 otherwise, in any manner or by any means whatsoever for a consideration
28 or any agreement therefor.

1 (k) "Processor" has the same meaning as described in subdivision two
2 of section sixty-nine of the cannabis law.

3 § 493. Tax on cannabis. (a) There is hereby imposed and shall be paid
4 a tax on the cultivation of cannabis flower and cannabis trim cannabis
5 pursuant to the cannabis law at the rate of one dollar per dry-weight
6 gram of cannabis flower and twenty-five cents per dry-weight gram of
7 cannabis trim. Where the wholesaler is not the cultivator, such tax
8 shall be collected from the cultivator by the wholesaler at the time
9 such flower or trim is transferred to the wholesaler. Where the whole-
10 saler is the cultivator, such tax shall be paid by the wholesaler and
11 shall accrue at the time of sale or transfer to a retail dispensary.
12 Where the cultivator is also the retail dispensary, such tax shall
13 accrue at the time of the sale to the retail customer.

14 (b) In addition to the tax imposed by subdivision (a) of this section,
15 there is hereby imposed a tax on the sale or transfer by a wholesaler to
16 a retail dispensary of adult-use cannabis products, to be paid by such
17 wholesaler. Where the wholesaler is not the retail dispensary, such tax
18 shall be at the rate of twenty percent of the invoice price charged by
19 the wholesaler to a retail dispensary, and shall accrue at the time of
20 such sale. Where the wholesaler is the retail dispensary, such tax shall
21 be at the rate of twenty percent of the price charged to the retail
22 customer and shall accrue at the time of such sale.

23 (c) In addition to the taxes imposed by subdivisions (a) and (b) of
24 this section, there is hereby imposed a tax on the sale or transfer by a
25 wholesaler to a retail dispensary of adult-use cannabis products, in
26 trust for and on account of the county in which the retail dispensary is
27 located. Such tax shall be paid by the wholesaler and shall accrue at
28 the time of such sale. Where the wholesaler is not the retail dispen-

1 sary, such tax shall be at the rate of two percent of the invoice price
2 charged by the wholesaler to a retail dispensary. Where the wholesaler
3 is the retail dispensary, such tax shall be at the rate of two percent
4 of the price charged to the retail customer.

5 (d) Notwithstanding any other provision of law to the contrary, the
6 taxes imposed by article twenty of this chapter shall not apply to any
7 product subject to tax under this article.

8 § 494. Registration and renewal. (a) Every wholesaler must file with
9 the commissioner a properly completed application for a certificate of
10 registration before engaging in business. In order to apply for such
11 certificate of registration, such person must first be in possession of
12 a valid license from the office of cannabis management. An application
13 for a certificate of registration must be submitted electronically, on a
14 form prescribed by the commissioner, and must be accompanied by a non-
15 refundable application fee of six hundred dollars. A certificate of
16 registration shall not be assignable or transferable and shall be
17 destroyed immediately upon such person ceasing to do business as speci-
18 fied in such certificate, or in the event that such business never
19 commenced.

20 (b) The commissioner shall refuse to issue a certificate of registra-
21 tion to any applicant and shall revoke the certificate of registration
22 of any such person who does not possess a valid license from the office
23 of cannabis management. The commissioner may refuse to issue a certif-
24 icate of registration to any applicant where such applicant: (1) has a
25 past-due liability as that term is defined in section one hundred seven-
26 ty-one-v of this chapter; (2) has had a certificate of registration
27 under this article, a license from the office of cannabis management, or
28 any license or registration provided for in this chapter revoked within

1 one year from the date on which such application was filed; (3) has been
2 convicted of a crime provided for in this chapter within one year from
3 the date on which such application was filed of the certificate's issu-
4 ance; (4) willfully fails to file a report or return required by this
5 article; (5) willfully files, causes to be filed, gives or causes to be
6 given a report, return, certificate or affidavit required by this arti-
7 cle which is false; or (6) willfully fails to collect or truthfully
8 account for or pay over any tax imposed by this article.

9 (c) A certificate of registration shall be valid for the period speci-
10 fied thereon, unless earlier suspended or revoked. Upon the expiration
11 of the term stated on a certificate of registration, such certificate
12 shall be null and void.

13 (d) Every holder of a certificate of registration must notify the
14 commissioner of changes to any of the information stated on the certif-
15 icate, or of changes to any information contained in the application for
16 the certificate of registration. Such notification must be made on or
17 before the last day of the month in which a change occurs and must be
18 made electronically on a form prescribed by the commissioner.

19 (e) Every holder of a certificate of registration under this article
20 shall be required to reapply prior to such certificate's expiration,
21 during a reapplication period established by the commissioner. Such
22 reapplication period shall not occur more frequently than every two
23 years. Such reapplication shall be subject to the same requirements and
24 conditions, including grounds for refusal, as an initial application,
25 including the payment of the application fee.

26 (f) Penalties. A person to whom adult-use cannabis products have been
27 transferred or who sells adult-use cannabis products without a valid
28 certificate of registration pursuant to subdivision (a) of this section

1 shall be subject to a penalty of five hundred dollars for each month or
2 part thereof during which such person continues to possess adult-use
3 cannabis products that have been transferred to such person or who sells
4 such products after the expiration of the first month after which such
5 person operates without a valid certificate of registration, not to
6 exceed ten thousand dollars in the aggregate.

7 § 495. Returns and payment of tax. (a) 1. Every wholesaler shall, on
8 or before the twentieth date of the month, file with the commissioner a
9 return on forms to be prescribed by the commissioner, showing the total
10 weight of cannabis flower and cannabis trim subject to tax pursuant to
11 subdivision (a) of section four hundred ninety-three of this article and
12 the total amount of tax due thereon in the preceding calendar month, and
13 the total amount of tax due under subdivisions (b) and (c) of such
14 section on its sales to a retail dispensary during the preceding calen-
15 dar month, along with such other information as the commissioner may
16 require. Every person required to file a return under this section
17 shall, at the time of filing such return, pay to the commissioner the
18 total amount of tax due for the period covered by such return. If a
19 return is not filed when due, the tax shall be due on the day on which
20 the return is required to be filed.

21 2. The wholesaler shall maintain such records in such form as the
22 commissioner may require regarding such items as: where the wholesaler
23 is not the cultivator, the weight of the cannabis flower and cannabis
24 trim transferred to it by a cultivator or, where the wholesaler is the
25 cultivator, the weight of such flower and trim produced by it; the
26 geographic location of every retail dispensary to which it sold adult-
27 use cannabis products; and any other record or information required by

1 the commissioner. This information must be kept by such person for a
2 period of three years after the return was filed.

3 (b) The provisions of article twenty-seven of this chapter shall apply
4 to the tax imposed by this article in the same manner and with the same
5 force and effect as if the language of such article had been incorpo-
6 rated in full into this section and had expressly referred to the tax
7 imposed by this article, except to the extent that any provision of such
8 article is either inconsistent with a provision of this article or is
9 not relevant to this article.

10 (c) 1. All taxes, interest, and penalties collected or received by the
11 commissioner under this article shall be deposited and disposed of
12 pursuant to the provisions of section one hundred seventy-one-a of this
13 chapter, provided that an amount equal to one hundred percent collected
14 under this article less any amount determined by the commissioner to be
15 reserved by the comptroller for refunds or reimbursements shall be paid
16 by the comptroller to the credit of the cannabis revenue fund estab-
17 lished by section ninety-nine-ff of the state finance law. Of the total
18 revenue collected or received under this article, the comptroller shall
19 retain such amount as the commissioner may determine to be necessary for
20 refunds. The commissioner is authorized and directed to deduct from the
21 registration fees under subdivision (a) of section four hundred ninety-
22 four of this article, before deposit into the cannabis revenue fund
23 designated by the comptroller, a reasonable amount necessary to effectu-
24 ate refunds of appropriations of the department to reimburse the depart-
25 ment for the costs incurred to administer, collect, and distribute the
26 taxes imposed by this article.

27 2. Notwithstanding the foregoing, the commissioner shall certify to
28 the comptroller the total amount of tax, penalty and interest received

1 by him or her on account of the tax imposed by subdivision (c) of
2 section four hundred ninety-three of this article in trust for and on
3 account of each county in which a retail dispensary is located. On or
4 before the twelfth day of each month, the comptroller, after reserving
5 such refund fund, shall pay to the appropriate fiscal officer of each
6 such county the taxes, penalties and interest received and certified by
7 the commissioner for the preceding calendar month.

8 § 496. Returns to be kept secret. (a) Except in accordance with proper
9 judicial order or as in this section or otherwise provided by law, it
10 shall be unlawful for the commissioner, any officer or employee of the
11 department, or any officer or person who, pursuant to this section, is
12 permitted to inspect any return or report or to whom a copy, an abstract
13 or a portion of any return or report is furnished, or to whom any infor-
14 mation contained in any return or report is furnished, or any person who
15 in any manner may acquire knowledge of the contents of a return or
16 report filed pursuant to this article to divulge or make known in any
17 manner the content or any other information related to the business of
18 the wholesaler contained in any return or report required under this
19 article. The officers charged with the custody of such returns or
20 reports shall not be required to produce any of them or evidence of
21 anything contained in them in any action or proceeding in any court,
22 except on behalf of the state, the office of cannabis management, or the
23 commissioner in an action or proceeding involving the collection of tax
24 due under this chapter to which the state or the commissioner is a party
25 or a claimant or on behalf of any party to any action or proceeding
26 under the provisions of this article, when the returns or the reports or
27 the facts shown thereby are directly involved in such action or proceed-
28 ing, or in an action or proceeding related to the regulation or taxation

1 of adult-use cannabis products on behalf of officers to whom information
2 shall have been supplied as provided in this section, in any of which
3 events the courts may require the production of, and may admit in
4 evidence so much of said returns or reports or of the facts shown there-
5 by as are pertinent to the action or proceeding and no more. Nothing
6 herein shall be construed to prohibit the commissioner, in his or her
7 discretion, from allowing the inspection or delivery of a certified copy
8 of any return or report filed under this article or of any information
9 contained in any such return or report by or to a duly authorized offi-
10 cer or employee of the office of cannabis management or by or to the
11 attorney general or other legal representatives of the state when an
12 action shall have been recommended or commenced pursuant to this chapter
13 in which such returns or reports or the facts shown thereby are directly
14 involved; or the inspection of the returns or reports required under
15 this article by the comptroller or duly designated officer or employee
16 of the state department of audit and control, for purposes of the audit
17 of a refund of any tax paid by the wholesaler under this article; nor to
18 prohibit the delivery to such person or a duly authorized representative
19 of such person, a certified copy of any return or report filed by such
20 person pursuant to this article, nor to prohibit the publication of
21 statistics so classified as to prevent the identification of particular
22 returns or reports and the items thereof. This section shall also not be
23 construed to prohibit the disclosure, for tax administration purposes,
24 to the division of the budget and the office of the state comptroller,
25 of information aggregated from the returns filed by all wholesalers
26 purchasing and selling such products in the state, whether the number of
27 such persons is one or more. Provided further that, notwithstanding the
28 provisions of this subdivision, the commissioner may in his or her

1 discretion, permit the proper officer of any county entitled to receive
2 any distribution of the monies received on account of the tax imposed by
3 subdivision (c) of section four hundred ninety-three of this article, or
4 the authorized representative of such officer, to inspect any return
5 filed under this article, or may furnish to such officer or the offi-
6 cer's authorized representative an abstract of any such return or supply
7 such officer or representative with information concerning an item
8 contained in any such return, or disclosed by any investigation of tax
9 liability under this article.

10 (b) The commissioner, in his or her discretion, may permit the appro-
11 priate officers of any other state that regulates or taxes cannabis or
12 the duly authorized representatives of such commissioner or of any such
13 officers, to inspect returns or reports made pursuant to this article,
14 or may furnish to the commissioner or other officer, or duly authorized
15 representatives, a copy of any such return or report or an abstract of
16 the information therein contained, or any portion thereof, or may supply
17 such commissioner or any such officers or such representatives with
18 information relating to the business of a wholesaler making returns or
19 reports hereunder solely for purposes of tax administration. The commis-
20 sioner may refuse to supply information pursuant to this subdivision to
21 the officers of any other state if the statutes of the state represented
22 by such officers do not grant substantially similar privileges to the
23 commissioner, but such refusal shall not be mandatory. Information shall
24 not be supplied to the appropriate officers of any state that regulates
25 or taxes cannabis, or the duly authorized representatives of such
26 commissioner or of any such officers, unless such commissioner, officer,
27 or other representatives shall agree not to divulge or make known in any
28 manner the information so supplied, but such officers may transmit such

1 information to their employees or legal representatives when necessary,
2 who in turn shall be subject to the same restrictions as those hereby
3 imposed upon such commissioner, officer or other representatives.

4 (c) 1. Any officer or employee of the state who willfully violates the
5 provisions of subdivision one or two of this section shall be dismissed
6 from office and be incapable of holding any public office in the state
7 for a period of five years thereafter.

8 2. For criminal penalties, see article thirty-seven of this chapter.

9 § 38. Subdivision (a) of section 1115 of the tax law is amended by
10 adding a new paragraph 3-b to read as follows:

11 (3-b) Adult-use cannabis products as defined by article twenty-C of
12 this chapter.

13 § 39. Section 1825 of the tax law, as amended by section 3 of part NNN
14 of chapter 59 of the laws of 2018, is amended to read as follows:

15 § 1825. Violation of secrecy provisions of the tax law.--Any person
16 who violates the secrecy provisions of [subdivision (b) of section twen-
17 ty-one, subdivision one of section two hundred two, subdivision eight of
18 section two hundred eleven, subdivision (a) of section three hundred
19 fourteen, subdivision one or two of section four hundred thirty-seven,
20 section four hundred eighty-seven, subdivision one or two of section
21 five hundred fourteen, subsection (e) of section six hundred ninety-sev-
22 en, subsection (a) of section nine hundred ninety-four, subdivision (a)
23 of section eleven hundred forty-six, section twelve hundred eighty-sev-
24 en, section twelve hundred ninety-six, section twelve hundred ninety-
25 nine-F, subdivision (a) of section fourteen hundred eighteen, subdivi-
26 sion (a) of section fifteen hundred eighteen, subdivision (a) of section
27 fifteen hundred fifty-five of] this chapter, [and] or subdivision (e) of

1 section 11-1797 of the administrative code of the city of New York shall
2 be guilty of a misdemeanor.

3 § 40. Section 12 of chapter 90 of the laws of 2014 amending the public
4 health law, the tax law, the state finance law, the general business
5 law, the penal law and the criminal procedure law relating to medical
6 use of marihuana, is amended to read as follows:

7 § 12. This act shall take effect immediately [and]; provided, however
8 that sections one, three, five, six, seven-a, eight, nine, ten and elev-
9 en of this act shall expire and be deemed repealed seven years after
10 such date; provided that the amendments to section 171-a of the tax law
11 made by section seven of this act shall take effect on the same date and
12 in the same manner as section 54 of part A of chapter 59 of the laws of
13 2014 takes effect and shall not expire and be deemed repealed; and
14 provided, further, that the amendments to subdivision 5 of section
15 410.91 of the criminal procedure law made by section eleven of this act
16 shall not affect the expiration and repeal of such section and shall
17 expire and be deemed repealed therewith.

18 § 41. The office of cannabis management, in consultation with the
19 division of the budget, the department of taxation and finance, the
20 department of health, office of alcoholism and substance abuse services,
21 office of mental health, New York state police and the division of crim-
22 inal justice services, shall conduct a study of the effectiveness of
23 this act. Such study shall examine all aspects of this act, including
24 economic and fiscal impacts, the impact on the public health and safety
25 of New York residents and the progress made in achieving social justice
26 goals and toward eliminating the illegal market for cannabis products in
27 New York. The office shall make recommendations regarding the appropri-
28 ate level of taxation of adult-use cannabis, as well as changes, if any,

1 necessary to improve and protect the public health and safety of New
2 Yorkers. Such study shall be conducted two years after the effective
3 date of this act and shall be presented to the governor, the majority
4 leader of the senate and the speaker of the assembly, no later than
5 October 1, 2022.

6 § 42. Section 102 of the alcoholic beverage control law is amended by
7 adding a new subdivision 8 to read as follows:

8 8. No alcoholic beverage retail licensee shall sell cannabis, nor have
9 or possess a license or permit to sell cannabis, on the same premises
10 where alcoholic beverages are sold.

11 § 43. Subdivisions 1, 4, 5, 6, 7 and 13 of section 12-102 of the
12 general obligations law, as added by chapter 406 of the laws of 2000,
13 are amended to read as follows:

14 1. "Illegal drug" means any controlled substance [or marijuana] the
15 possession of which is an offense under the public health law or the
16 penal law.

17 4. "Grade one violation" means possession of one-quarter ounce or
18 more, but less than four ounces, or distribution of less than one ounce
19 of an illegal drug [other than marijuana, or possession of one pound or
20 twenty-five plants or more, but less than four pounds or fifty plants,
21 or distribution of less than one pound of marijuana].

22 5. "Grade two violation" means possession of four ounces or more, but
23 less than eight ounces, or distribution of one ounce or more, but less
24 than two ounces, of an illegal drug [other than marijuana, or possession
25 of four pounds or more or fifty plants or distribution of more than one
26 pound but less than ten pounds of marijuana].

27 6. "Grade three violation" means possession of eight ounces or more,
28 but less than sixteen ounces, or distribution of two ounces or more, but

1 less than four ounces, of a specified illegal drug [or possession of
2 eight pounds or more or seventy-five plants or more, but less than
3 sixteen pounds or one hundred plants, or distribution of more than five
4 pounds but less than ten pounds of marijuana].

5 7. "Grade four violation" means possession of sixteen ounces or more
6 or distribution of four ounces or more of a specified illegal drug [or
7 possession of sixteen pounds or more or one hundred plants or more or
8 distribution of ten pounds or more of marijuana].

9 13. "Drug trafficker" means a person convicted of a class A or class B
10 felony controlled substance [or marijuana offense] who, in connection
11 with the criminal conduct for which he or she stands convicted,
12 possessed, distributed, sold or conspired to sell a controlled substance
13 [or marijuana] which, by virtue of its quantity, the person's prominent
14 role in the enterprise responsible for the sale or distribution of such
15 controlled substance and other circumstances related to such criminal
16 conduct indicate that such person's criminal possession, sale or
17 conspiracy to sell such substance was not an isolated occurrence and was
18 part of an ongoing pattern of criminal activity from which such person
19 derived substantial income or resources and in which such person played
20 a leadership role.

21 § 44. Paragraph (g) of subdivision 1 of section 488 of the social
22 services law, as added by section 1 of part B of chapter 501 of the laws
23 of 2012, is amended to read as follows:

24 (g) "Unlawful use or administration of a controlled substance," which
25 shall mean any administration by a custodian to a service recipient of:
26 a controlled substance as defined by article thirty-three of the public
27 health law, without a prescription; or other medication not approved for
28 any use by the federal food and drug administration, except for the

1 administration of medical cannabis when such administration is in
2 accordance with article three of the cannabis law and any regulations
3 promulgated thereunder as well as the rules, regulations, policies, or
4 procedures of the state oversight agency or agencies governing such
5 custodians. It also shall include a custodian unlawfully using or
6 distributing a controlled substance as defined by article thirty-three
7 of the public health law, at the workplace or while on duty.

8 § 45. Paragraphs (e) and (f) of subdivision 1 of section 490 of the
9 social services law, as added by section 1 of part B of chapter 501 of
10 the laws of 2012, are amended and a new paragraph (g) is added to read
11 as follows:

12 (e) information regarding individual reportable incidents, incident
13 patterns and trends, and patterns and trends in the reporting and
14 response to reportable incidents is shared, consistent with applicable
15 law, with the justice center, in the form and manner required by the
16 justice center and, for facilities or provider agencies that are not
17 state operated, with the applicable state oversight agency which shall
18 provide such information to the justice center; [and]

19 (f) incident review committees are established; provided, however,
20 that the regulations may authorize an exemption from this requirement,
21 when appropriate, based on the size of the facility or provider agency
22 or other relevant factors. Such committees shall be composed of members
23 of the governing body of the facility or provider agency and other
24 persons identified by the director of the facility or provider agency,
25 including some members of the following: direct support staff, licensed
26 health care practitioners, service recipients and representatives of
27 family, consumer and other advocacy organizations, but not the director
28 of the facility or provider agency. Such committee shall meet regularly

1 to: (i) review the timeliness, thoroughness and appropriateness of the
2 facility or provider agency's responses to reportable incidents; (ii)
3 recommend additional opportunities for improvement to the director of
4 the facility or provider agency, if appropriate; (iii) review incident
5 trends and patterns concerning reportable incidents; and (iv) make
6 recommendations to the director of the facility or provider agency to
7 assist in reducing reportable incidents. Members of the committee shall
8 be trained in confidentiality laws and regulations, and shall comply
9 with section seventy-four of the public officers law[.]; and

10 (g) safe storage, administration, and diversion prevention policies
11 regarding controlled substances and medical marihuana.

12 § 46. Subdivision 1 of section 505 of the agriculture and markets law,
13 as added by chapter 524 of the laws of 2014, is amended to read as
14 follows:

15 1. "Industrial hemp" means the plant *Cannabis sativa* L. and any part
16 of such plant, including the seeds thereof and all derivatives,
17 extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
18 whether growing or not, with a delta-9 tetrahydrocannabinol concen-
19 tration of not more than 0.3 percent on a dry weight basis.

20 § 47. Section 506 of the agriculture and markets law, as amended by
21 section 1 of part 00 of chapter 58 of the laws of 2017, is amended to
22 read as follows:

23 § 506. Growth, sale, distribution, transportation and processing of
24 industrial hemp and products derived from such hemp permitted. [Notwith-
25 standing any provision of law to the contrary, industrial] 1. Industrial
26 hemp and products derived from such hemp are agricultural products which
27 may be grown, produced [and], possessed [in the state, and], sold,
28 distributed, transported [or] and/or processed [either] in [or out of]

1 state [as part of agricultural pilot programs pursuant to authorization
2 under federal law and the provisions of this article] pursuant to
3 authorization under federal law, the provisions of this article and/or
4 the the cannabis law. [Notwithstanding any provision of law to the
5 contrary restricting the growing or cultivating, sale, distribution,
6 transportation or processing of industrial hemp and products derived
7 from such hemp, and subject to authorization under federal law, the]

8 2. The commissioner may authorize the growing or cultivating of indus-
9 trial hemp as part of agricultural pilot programs conducted by the
10 department and/or an institution of higher education to study the growth
11 and cultivation, sale, distribution, transportation and processing of
12 such hemp and products derived from such hemp provided that the sites
13 and programs used for growing or cultivating industrial hemp are certi-
14 fied by, and registered with, the department.

15 3. In addition to the department's licensing authority hereinafter
16 provided in this article, the office of cannabis management shall
17 license and regulate the growth, extraction, processing and/or manufac-
18 turing of hemp for derivatives, extracts, cannabinoids, isomers, acids,
19 salts and salts or isomers and/or hemp products for human or animal
20 consumption or use (except for those food and/or food ingredients that
21 are generally recognized as safe).

22 4. Nothing in this section shall limit the jurisdiction of the depart-
23 ment under any other article of the agriculture and markets law.

24 § 48. Section 507 of the agriculture and markets law is REPEALED and a
25 new section 507 is added to read as follows:

26 § 507. Licensing; fees. 1. No person shall: (a) grow industrial hemp
27 in the state and/or sell or distribute industrial hemp grown in the
28 state unless licensed biennially by the commissioner or (b) grow, proc-

1 ess and/or produce industrial hemp and products derived from hemp in the
2 state or sell or distribute unless authorized by the commissioner as
3 part of an agricultural research pilot program established under this
4 article.

5 2. Application for a license to grow industrial hemp shall be made
6 upon a form prescribed by the commissioner, accompanied by a non-refund-
7 able application fee of five hundred dollars.

8 3. The applicant shall furnish evidence of his or her good character,
9 experience and competency, that the applicant has adequate facilities,
10 equipment, process controls, testing capability and security to grow
11 hemp.

12 4. Growers who intend to cultivate hemp for cannabinoids shall also be
13 required to obtain a license from the office of cannabis management.

14 5. A renewal application shall be submitted to the commissioner at
15 least thirty days prior to the commencement of the next license period.

16 § 49. Section 508 of the agriculture and markets law is REPEALED and a
17 new section 508 is added to read as follows:

18 § 508. Compliance action plan. If the commissioner determines, after
19 notice and an opportunity for hearing, that a licensee has negligently
20 violated a provision of this article, that licensee shall be required to
21 comply with a corrective action plan established by the commissioner to
22 correct the violation by a reasonable date and to periodically report to
23 the commissioner with respect to the licensee's compliance with this
24 article for a period of no less than the next two calendar years follow-
25 ing the commencement date of the compliance action plan. The provisions
26 of this section shall not be applicable to research partners conducting
27 hemp research pursuant to a research partner agreement, the terms of
28 which shall control.

1 § 50. Section 509 of the agriculture and markets law is REPEALED and a
2 new section 509 is added to read as follows:

3 § 509. Granting, suspending or revoking licenses. The commissioner
4 may decline to grant a new license, may decline to renew a license, may
5 suspend or revoke a license already granted after due notice and oppor-
6 tunity for hearing whenever he or she finds that:

7 (1) any statement contained in an application for an applicant or
8 licensee is or was false or misleading;

9 (2) the applicant or licensee does not have good character, the
10 required experience and/or competency, adequate facilities, equipment,
11 process controls, testing capability and/or security to produce hemp or
12 products derived from hemp;

13 (3) the applicant or licensee has failed or refused to produce any
14 records or provide any information demanded by the commissioner reason-
15 ably related to the administration and enforcement of this article; or

16 (4) the applicant or licensee, or any officer, director, partner,
17 holder of ten percent of the voting stock, or any other person exercis-
18 ing any position of management or control has failed to comply with any
19 of the provisions of this article or rules and regulations promulgated
20 pursuant thereto.

21 § 51. Section 510 of the agriculture and markets law is REPEALED and a
22 new section 510 is added to read as follows:

23 § 510. Regulations. The commissioner may develop regulations consist-
24 ent with the provisions of this article for the growing and cultivation,
25 sale, distribution, and transportation of industrial hemp grown in the
26 state, including:

27 (a) the authorization or licensing of any person who may: acquire or
28 possess hemp plants or seeds; grow or cultivate hemp plants; and/or

1 sell, purchase, distribute, or transport such plants, plant parts, or
2 seeds;

3 (b) maintaining relevant information regarding land on which indus-
4 trial hemp is produced within the state, including the legal description
5 of the land, for a period of not less than three calendar years;

6 (c) the procedure for testing of industrial hemp produced in the state
7 for delta-9 tetrahydrocannabinol levels, using post decarboxylation or
8 other similarly reliable methods;

9 (d) the procedure for effective disposal of industrial hemp plants or
10 products derived from hemp that are produced in violation of this arti-
11 cle;

12 (e) a procedure for conducting at least a random sample of industrial
13 hemp producers to verify that hemp is not produced in violation of this
14 article;

15 (f) any required security measures; and

16 (g) such other and further regulation as the commissioner deems appro-
17 priate or necessary.

18 § 52. Section 511 of the agriculture and markets law is REPEALED and a
19 new section 511 is added to read as follows:

20 § 511. Prohibitions. Except as authorized by state law, and regu-
21 lations promulgated thereunder, the growth, cultivation, processing,
22 sale, and/or distribution of industrial hemp is prohibited.

23 § 53. Section 512 of the agriculture and markets law is REPEALED and a
24 new section 512 is added to read as follows:

25 § 512. Industrial hemp data collection and best farming practices.
26 The commissioner shall have the power to collect and publish data and
27 research concerning, among other things, the growth, cultivation,
28 production and processing methods of industrial hemp and products

1 derived from industrial hemp and work with the cornell cooperative
2 extension to promote best farming practices for industrial hemp which
3 are compatible with state water quality and other environmental objec-
4 tives.

5 § 54. Sections 513 and 514 of the agriculture and markets law are
6 REPEALED and a new section 513 is added to read as follows:

7 § 513. Access to criminal history information through the division of
8 criminal justice services. In connection with the administration of
9 this article, the commissioner is authorized to request, receive and
10 review criminal history information through the division of criminal
11 justice services (division) with respect to any person seeking a license
12 or authorization to undertake a hemp pilot project. At the commission-
13 er's request, each researcher, principal and/or officer of the applicant
14 shall submit to the department his or her fingerprints in such form and
15 in such manner as specified by the division, for the purpose of conduct-
16 ing a criminal history search and returning a report thereon in accord-
17 ance with the procedures and requirements established by the division
18 pursuant to the provisions of article thirty-five of the executive law,
19 which shall include the payment of the prescribed processing fees for
20 the cost of the division's full search and retain procedures and a
21 national criminal history record check. The commissioner, or his or her
22 designee, shall submit such fingerprints and the processing fee to the
23 division. The division shall forward to the commissioner a report with
24 respect to the applicant's previous criminal history, if any, or a
25 statement that the applicant has no previous criminal history according
26 to its files. Fingerprints submitted to the division of criminal justice
27 services pursuant to this subdivision may also be submitted to the
28 federal bureau of investigation for a national criminal history record

1 check. If additional copies of fingerprints are required, the applicant
2 shall furnish them upon request.

3 § 55. Sections 179.00, 179.05, 179.10, 179.11 and 179.15 of the penal
4 law, as added by chapter 90 of the laws of 2014, are amended to read as
5 follows:

6 § 179.00 Criminal diversion of medical [marihuana] cannabis; defi-
7 nitions.

8 The following definitions are applicable to this article:

9 1. "Medical [marihuana] cannabis" means medical [marihuana] cannabis
10 as defined in [subdivision eight of section thirty-three hundred sixty
11 of the public health law] section three of the cannabis law.

12 2. "Certification" means a certification, made under section [thirty-
13 three hundred sixty-one of the public health law] thirty of the cannabis
14 law.

15 § 179.05 Criminal diversion of medical [marihuana] cannabis; limita-
16 tions.

17 The provisions of this article shall not apply to:

18 1. a practitioner authorized to issue a certification who acted in
19 good faith in the lawful course of his or her profession; or

20 2. a registered organization as that term is defined in [subdivision
21 nine of section thirty-three hundred sixty of the public health law]
22 section thirty-four of the cannabis law who acted in good faith in the
23 lawful course of the practice of pharmacy; or

24 3. a person who acted in good faith seeking treatment for a medical
25 condition or assisting another person to obtain treatment for a medical
26 condition.

27 § 179.10 Criminal diversion of medical [marihuana] cannabis in the first
28 degree.

1 A person is guilty of criminal diversion of medical [marihuana] canna-
2 bis in the first degree when he or she is a practitioner, as that term
3 is defined in [subdivision twelve of section thirty-three hundred sixty
4 of the public health law] section three of the cannabis law, who issues
5 a certification with knowledge of reasonable grounds to know that (i)
6 the recipient has no medical need for it, or (ii) it is for a purpose
7 other than to treat a serious condition as defined in [subdivision seven
8 of section thirty-three hundred sixty of the public health law] section
9 three of the cannabis law.

10 Criminal diversion of medical [marihuana] cannabis in the first degree
11 is a class E felony.

12 § 179.11 Criminal diversion of medical [marihuana] cannabis in the
13 second degree.

14 A person is guilty of criminal diversion of medical [marihuana] canna-
15 bis in the second degree when he or she sells, trades, delivers, or
16 otherwise provides medical [marihuana] cannabis to another with know-
17 ledge or reasonable grounds to know that the recipient is not registered
18 under [title five-A of article thirty-three of the public health law]
19 article three of the cannabis law.

20 Criminal diversion of medical [marihuana] cannabis in the second
21 degree is a class B misdemeanor.

22 § 179.15 Criminal retention of medical [marihuana] cannabis.

23 A person is guilty of criminal retention of medical [marihuana] canna-
24 bis when, being a certified patient or designated caregiver, as those
25 terms are defined in [subdivisions three and five of section thirty-
26 three hundred sixty of the public health law, respectively] section
27 three of the cannabis law, he or she knowingly obtains, possesses,
28 stores or maintains an amount of [marihuana] cannabis in excess of the

1 amount he or she is authorized to possess under the provisions of [title
2 five-A of article thirty-three of the public health law] article three
3 of the cannabis law.

4 Criminal retention of medical [marihuana] cannabis is a class A misde-
5 meanor.

6 § 56. Section 220.78 of the penal law, as added by chapter 154 of the
7 laws of 2011, is amended to read as follows:

8 § 220.78 Witness or victim of drug or alcohol overdose.

9 1. A person who, in good faith, seeks health care for someone who is
10 experiencing a drug or alcohol overdose or other life threatening
11 medical emergency shall not be charged or prosecuted for a controlled
12 substance offense under article two hundred twenty or a [marihuana]
13 cannabis offense under article two hundred twenty-one of this title,
14 other than an offense involving sale for consideration or other benefit
15 or gain, or charged or prosecuted for possession of alcohol by a person
16 under age twenty-one years under section sixty-five-c of the alcoholic
17 beverage control law, or for possession of drug paraphernalia under
18 article thirty-nine of the general business law, with respect to any
19 controlled substance, [marihuana] cannabis, alcohol or paraphernalia
20 that was obtained as a result of such seeking or receiving of health
21 care.

22 2. A person who is experiencing a drug or alcohol overdose or other
23 life threatening medical emergency and, in good faith, seeks health care
24 for himself or herself or is the subject of such a good faith request
25 for health care, shall not be charged or prosecuted for a controlled
26 substance offense under this article or a [marihuana] cannabis offense
27 under article two hundred twenty-one of this title, other than an
28 offense involving sale for consideration or other benefit or gain, or

1 charged or prosecuted for possession of alcohol by a person under age
2 twenty-one years under section sixty-five-c of the alcoholic beverage
3 control law, or for possession of drug paraphernalia under article thir-
4 ty-nine of the general business law, with respect to any substance,
5 [marihuana] cannabis, alcohol or paraphernalia that was obtained as a
6 result of such seeking or receiving of health care.

7 3. Definitions. As used in this section the following terms shall have
8 the following meanings:

9 (a) "Drug or alcohol overdose" or "overdose" means an acute condition
10 including, but not limited to, physical illness, coma, mania, hysteria
11 or death, which is the result of consumption or use of a controlled
12 substance or alcohol and relates to an adverse reaction to or the quan-
13 tity of the controlled substance or alcohol or a substance with which
14 the controlled substance or alcohol was combined; provided that a
15 patient's condition shall be deemed to be a drug or alcohol overdose if
16 a prudent layperson, possessing an average knowledge of medicine and
17 health, could reasonably believe that the condition is in fact a drug or
18 alcohol overdose and (except as to death) requires health care.

19 (b) "Health care" means the professional services provided to a person
20 experiencing a drug or alcohol overdose by a health care professional
21 licensed, registered or certified under title eight of the education law
22 or article thirty of the public health law who, acting within his or her
23 lawful scope of practice, may provide diagnosis, treatment or emergency
24 services for a person experiencing a drug or alcohol overdose.

25 4. It shall be an affirmative defense to a criminal sale controlled
26 substance offense under this article or a criminal sale of [marihuana]
27 cannabis offense under article two hundred twenty-one of this title, not
28 covered by subdivision one or two of this section, with respect to any

1 controlled substance or [marihuana] cannabis which was obtained as a
2 result of such seeking or receiving of health care, that:

3 (a) the defendant, in good faith, seeks health care for someone or for
4 him or herself who is experiencing a drug or alcohol overdose or other
5 life threatening medical emergency; and

6 (b) the defendant has no prior conviction for the commission or
7 attempted commission of a class A-I, A-II or B felony under this arti-
8 cle.

9 5. Nothing in this section shall be construed to bar the admissibility
10 of any evidence in connection with the investigation and prosecution of
11 a crime with regard to another defendant who does not independently
12 qualify for the bar to prosecution or for the affirmative defense; nor
13 with regard to other crimes committed by a person who otherwise quali-
14 fies under this section; nor shall anything in this section be construed
15 to bar any seizure pursuant to law, including but not limited to pursu-
16 ant to section thirty-three hundred eighty-seven of the public health
17 law.

18 6. The bar to prosecution described in subdivisions one and two of
19 this section shall not apply to the prosecution of a class A-I felony
20 under this article, and the affirmative defense described in subdivision
21 four of this section shall not apply to the prosecution of a class A-I
22 or A-II felony under this article.

23 § 57. Subdivision 1 of section 260.20 of the penal law, as amended by
24 chapter 362 of the laws of 1992, is amended as follows:

25 1. He knowingly permits a child less than eighteen years old to enter
26 or remain in or upon a place, premises or establishment where sexual
27 activity as defined by article one hundred thirty, two hundred thirty or
28 two hundred sixty-three of this [chapter] part or activity involving

1 controlled substances as defined by article two hundred twenty of this
2 [chapter or involving marihuana as defined by article two hundred twen-
3 ty-one of this chapter] part is maintained or conducted, and he knows or
4 has reason to know that such activity is being maintained or conducted;
5 or

6 § 58. Section 89-h of the state finance law, as added by chapter 90 of
7 the laws of 2014, is amended to read as follows:

8 § 89-h. Medical [marihuana] cannabis trust fund. 1. There is hereby
9 established in the joint custody of the state comptroller and the
10 commissioner of taxation and finance a special fund to be known as the
11 "medical [marihuana] cannabis trust fund."

12 2. The medical [marihuana] cannabis trust fund shall consist of all
13 moneys required to be deposited in the medical [marihuana] cannabis
14 trust fund pursuant to the provisions of section four hundred ninety of
15 the tax law.

16 3. The moneys in the medical [marihuana] cannabis trust fund shall be
17 kept separate and shall not be commingled with any other moneys in the
18 custody of the commissioner of taxation and finance and the state comp-
19 troller.

20 4. The moneys of the medical [marihuana] cannabis trust fund, follow-
21 ing appropriation by the legislature, shall be allocated upon a certif-
22 icate of approval of availability by the director of the budget as
23 follows: (a) Twenty-two and five-tenths percent of the monies shall be
24 transferred to the counties in New York state in which the medical
25 [marihuana] cannabis was manufactured and allocated in proportion to the
26 gross sales originating from medical [marihuana] cannabis manufactured
27 in each such county; (b) twenty-two and five-tenths percent of the
28 moneys shall be transferred to the counties in New York state in which

1 the medical [marihuana] cannabis was dispensed and allocated in propor-
2 tion to the gross sales occurring in each such county; (c) five percent
3 of the monies shall be transferred to the office of alcoholism and
4 substance abuse services, which shall use that revenue for additional
5 drug abuse prevention, counseling and treatment services; and (d) five
6 percent of the revenue received by the department shall be transferred
7 to the division of criminal justice services, which shall use that
8 revenue for a program of discretionary grants to state and local law
9 enforcement agencies that demonstrate a need relating to [title five-A
10 of article thirty-three of the public health law] article three of the
11 cannabis law; said grants could be used for personnel costs of state and
12 local law enforcement agencies. For purposes of this subdivision, the
13 city of New York shall be deemed to be a county.

14 § 59. Intentionally omitted.

15 § 60. The state finance law is amended by adding a new section 99-ff
16 to read as follows:

17 § 99-ff. New York state cannabis revenue fund. 1. There is hereby
18 established in the joint custody of the state comptroller and the
19 commissioner of taxation and finance a special fund to be known as the
20 "New York state cannabis revenue fund" (the "fund").

21 2. Monies in the fund shall be kept separate from and shall not be
22 commingled with any other monies in the custody of the comptroller or
23 the commissioner of taxation and finance. Provided, however that any
24 monies of the fund not required for immediate use may, at the discretion
25 of the comptroller, in consultation with the director of the budget, be
26 invested by the comptroller in obligations of the United States or the
27 state. The proceeds of any such investment shall be retained by the fund
28 as assets to be used for purposes of the fund.

1 3. Except as set forth in subdivisions two and four of this section,
2 monies from the fund shall not be used to make payments for any purpose
3 other than the purposes set forth in subdivisions two and four of this
4 section.

5 4. The "New York state cannabis revenue fund" shall consist of monies
6 received by the commissioner of taxation and finance pursuant to subdi-
7 visions (a) and (b) of section four hundred ninety-three of the tax law
8 and all other monies credited or transferred thereto from any other fund
9 or source. Monies of such fund shall be expended for the following
10 purposes: administration of the regulated cannabis program, data gather-
11 ing, monitoring and reporting, the governor's traffic safety committee,
12 small business development and loans, substance abuse, harm reduction
13 and mental health treatment and prevention, public health education and
14 intervention, research on cannabis uses and applications, program evalu-
15 ation and improvements, and any other identified purpose recommended by
16 the executive director of the office of cannabis management and approved
17 by the director of the budget.

18 § 61. Subdivision 2 of section 3371 of the public health law, as
19 amended by chapter 90 of the laws of 2014, is amended to read as
20 follows:

21 2. The prescription monitoring program registry may be accessed, under
22 such terms and conditions as are established by the department for
23 purposes of maintaining the security and confidentiality of the informa-
24 tion contained in the registry, by:

25 (a) a practitioner, or a designee authorized by such practitioner
26 pursuant to paragraph (b) of subdivision two of section thirty-three
27 hundred forty-three-a or section thirty-three hundred sixty-one of this
28 article, for the purposes of: (i) informing the practitioner that a

1 patient may be under treatment with a controlled substance by another
2 practitioner; (ii) providing the practitioner with notifications of
3 controlled substance activity as deemed relevant by the department,
4 including but not limited to a notification made available on a monthly
5 or other periodic basis through the registry of controlled substances
6 activity pertaining to his or her patient; (iii) allowing the practi-
7 tioner, through consultation of the prescription monitoring program
8 registry, to review his or her patient's controlled substances history
9 as required by section thirty-three hundred forty-three-a [or section
10 thirty-three hundred sixty-one] of this article; and (iv) providing to
11 his or her patient, or person authorized pursuant to paragraph (j) of
12 subdivision one of this section, upon request, a copy of such patient's
13 controlled substance history as is available to the practitioner through
14 the prescription monitoring program registry; or

15 (b) a pharmacist, pharmacy intern or other designee authorized by the
16 pharmacist pursuant to paragraph (b) of subdivision three of section
17 thirty-three hundred forty-three-a of this article, for the purposes of:

18 (i) consulting the prescription monitoring program registry to review
19 the controlled substances history of an individual for whom one or more
20 prescriptions for controlled substances or certifications for marihuana
21 is presented to the pharmacist, pursuant to section thirty-three hundred
22 forty-three-a of this article; and (ii) receiving from the department
23 such notifications of controlled substance activity as are made avail-
24 able by the department; or

25 (c) an individual employed by a registered organization for the
26 purpose of consulting the prescription monitoring program registry to
27 review the controlled substances history of an individual for whom one
28 or more certifications for [marihuana] cannabis is presented to that

1 registered organization[, pursuant to section thirty-three hundred
2 sixty-four of this article]. Unless otherwise authorized by this arti-
3 cle, an individual employed by a registered organization will be
4 provided access to the prescription monitoring program in the sole
5 discretion of the commissioner.

6 § 62. Subdivision 3 of section 853 of the general business law, as
7 added by chapter 90 of the laws of 2014, is amended to read as follows:

8 3. This article shall not apply to any sale, furnishing or possession
9 which is for a lawful purpose under [title five-A of article thirty-
10 three of the public health law] the cannabis law.

11 § 63. Subdivision 5 of section 410.91 of the criminal procedure law,
12 as amended by chapter 90 of the laws of 2014, is amended to read as
13 follows:

14 5. For the purposes of this section, a "specified offense" is an
15 offense defined by any of the following provisions of the penal law:
16 burglary in the third degree as defined in section 140.20, criminal
17 mischief in the third degree as defined in section 145.05, criminal
18 mischief in the second degree as defined in section 145.10, grand larcen-
19 ny in the fourth degree as defined in subdivision one, two, three, four,
20 five, six, eight, nine or ten of section 155.30, grand larceny in the
21 third degree as defined in section 155.35 (except where the property
22 consists of one or more firearms, rifles or shotguns), unauthorized use
23 of a vehicle in the second degree as defined in section 165.06, criminal
24 possession of stolen property in the fourth degree as defined in subdi-
25 vision one, two, three, five or six of section 165.45, criminal
26 possession of stolen property in the third degree as defined in section
27 165.50 (except where the property consists of one or more firearms,
28 rifles or shotguns), forgery in the second degree as defined in section

1 170.10, criminal possession of a forged instrument in the second degree
2 as defined in section 170.25, unlawfully using slugs in the first degree
3 as defined in section 170.60, criminal diversion of medical [marihuana]
4 cannabis in the first degree as defined in section 179.10 or an attempt
5 to commit any of the aforementioned offenses if such attempt constitutes
6 a felony offense; or a class B felony offense defined in article two
7 hundred twenty where a sentence is imposed pursuant to paragraph (a) of
8 subdivision two of section 70.70 of the penal law; or any class C, class
9 D or class E controlled substance [or marihuana] cannabis felony offense
10 as defined in article two hundred twenty or two hundred twenty-one.

11 § 63-a. Subdivision 5 of section 410.91 of the criminal procedure law,
12 as amended by section 8 of part AAA of chapter 56 of the laws of 2009,
13 is amended to read as follows:

14 5. For the purposes of this section, a "specified offense" is an
15 offense defined by any of the following provisions of the penal law:
16 burglary in the third degree as defined in section 140.20, criminal
17 mischief in the third degree as defined in section 145.05, criminal
18 mischief in the second degree as defined in section 145.10, grand larceny
19 in the fourth degree as defined in subdivision one, two, three, four,
20 five, six, eight, nine or ten of section 155.30, grand larceny in the
21 third degree as defined in section 155.35 (except where the property
22 consists of one or more firearms, rifles or shotguns), unauthorized use
23 of a vehicle in the second degree as defined in section 165.06, criminal
24 possession of stolen property in the fourth degree as defined in subdivi-
25 sion one, two, three, five or six of section 165.45, criminal
26 possession of stolen property in the third degree as defined in section
27 165.50 (except where the property consists of one or more firearms,
28 rifles or shotguns), forgery in the second degree as defined in section

1 170.10, criminal possession of a forged instrument in the second degree
2 as defined in section 170.25, unlawfully using slugs in the first degree
3 as defined in section 170.60, or an attempt to commit any of the afore-
4 mentioned offenses if such attempt constitutes a felony offense; or a
5 class B felony offense defined in article two hundred twenty where a
6 sentence is imposed pursuant to paragraph (a) of subdivision two of
7 section 70.70 of the penal law; or any class C, class D or class E
8 controlled substance or [marihuana] cannabis felony offense as defined
9 in article two hundred twenty or two hundred twenty-one.

10 § 64. This act shall take effect immediately; provided, however that
11 sections thirty-seven and thirty-eight of this act shall take effect on
12 April 1, 2020, and shall apply on and after such date: (a) to the culti-
13 vation of cannabis flower and cannabis trim transferred by a cultivator
14 who is not a wholesaler; (b) to the cultivation of cannabis flower and
15 cannabis trim sold or transferred to a retail dispensary by a cultivator
16 who is a wholesaler; and (c) to the sale or transfer of adult use canna-
17 bis products to a retail dispensary; provided, further, that the amend-
18 ments to article 179 of the penal law made by section fifty-five of this
19 act shall not affect the repeal of such article and shall be deemed to
20 be repealed therewith; provided further, that the amendments to section
21 89-h of the state finance law made by section fifty-eight of this act
22 shall not affect the repeal of such section and shall be deemed repealed
23 therewith; provided further, that the amendments to section 221.00 of
24 the penal law made by section fifteen of this act shall be subject to
25 the expiration of such section when upon such date the provisions of
26 section fifteen-a of this act shall take effect; provided, however, that
27 the amendments to subdivision 2 of section 3371 of the public health law
28 made by section sixty-one of this act shall not affect the expiration of

1 such subdivision and shall be deemed to expire therewith; provided
2 further, that the amendments to subdivision 3 of section 853 of the
3 general business law made by section sixty-two of this act shall not
4 affect the repeal of such subdivision and shall be deemed to be repealed
5 therewith; and provided further, that the amendments to subdivision 5 of
6 section 410.91 of the penal law made by section sixty-three of this act
7 shall be subject to the expiration and reversion of such subdivision
8 when upon such date the provisions of section sixty-three-a of this act
9 shall take effect.

10

PART WW

11 Section 1. Section 1166-a of the tax law, as added by section 1 of
12 part F of chapter 25 of the laws of 2009, is amended to read as follows:

13 § 1166-a. Special supplemental tax on passenger car rentals within the
14 metropolitan commuter transportation district. (a) In addition to the
15 tax imposed under section eleven hundred sixty of this article and in
16 addition to any tax imposed under any other article of this chapter,
17 there is hereby imposed and there shall be paid a tax at the rate of
18 five percent upon the receipts from every rental of a passenger car
19 which is a retail sale of such passenger car within the metropolitan
20 commuter transportation district as defined in [subdivision] subsection
21 (a) of section eight hundred of this chapter.

22 (b) Except to the extent that a passenger car rental described in
23 subdivision (a) of this section, or section eleven hundred sixty-six-b
24 of this article, has already been or will be subject to the tax imposed
25 under such subdivision or section and except as otherwise exempted under
26 this article, there is hereby imposed on every person and there shall be

1 paid a use tax for the use within the metropolitan commuter transporta-
2 tion district as defined in [subdivision] subsection (a) of section
3 eight hundred of this chapter; of any passenger car rented by the user
4 [which] that is a purchase at retail of such passenger car, but not
5 including any lease of a passenger car to which subdivision (i) of
6 section eleven hundred eleven of this chapter applies. For purposes of
7 this [paragraph] subdivision, the tax shall be at the rate of five
8 percent of the consideration given or contracted to be given for such
9 property, or for the use of such property, including any charges for
10 shipping or delivery as described in paragraph three of subdivision (b)
11 of section eleven hundred one of this chapter, but excluding any credit
12 for tangible personal property accepted in part payment and intended for
13 resale.

14 § 2. The tax law is amended by adding a new section 1166-b to read as
15 follows:

16 § 1166-b. Special supplemental tax on passenger car rentals outside of
17 the metropolitan commuter transportation district. (a) In addition to
18 the tax imposed under section eleven hundred sixty of this article and
19 in addition to any tax imposed under any other article of this chapter,
20 there is hereby imposed and there shall be paid a tax at the rate of
21 five percent upon the receipts from every rental of a passenger car that
22 is not subject to the tax described in section eleven hundred
23 sixty-six-a of this article, but which is a retail sale of such passen-
24 ger car within the state.

25 (b) Except to the extent that a passenger car rental described in
26 subdivision (a) of this section or in section eleven hundred
27 sixty-six-a of this article, has already been subject to the tax imposed
28 under such subdivision or section, and except as otherwise exempted

1 under this article, there is hereby imposed on every person and there
2 shall be paid a use tax for the use within the state of any passenger
3 car rented by the user that is a purchase at retail of such passenger
4 car, but not including any lease of a passenger car to which subdivision
5 (i) of section eleven hundred eleven of this chapter applies. For
6 purposes of this subdivision, the tax shall be at the rate of five
7 percent of the consideration given or contracted to be given for such
8 property, or for the use of such property, including any charges for
9 shipping or delivery as described in paragraph three of subdivision (b)
10 of section eleven hundred one of this chapter, but excluding any credit
11 for tangible personal property accepted in part payment and intended for
12 resale.

13 § 3. Section 1167 of the tax law, as amended by section 3 of part F of
14 chapter 25 of the laws of 2009, is amended to read as follows:

15 § 1167. Deposit and disposition of revenue. All taxes, interest and
16 penalties collected or received by the commissioner under this article
17 shall be deposited and disposed of pursuant to the provisions of section
18 one hundred seventy-one-a of this chapter, except that after reserving
19 amounts in accordance with such section one hundred seventy-one-a of
20 this chapter, the remainder shall be paid by the comptroller to the
21 credit of the highway and bridge trust fund established by section
22 eighty-nine-b of the state finance law, provided, however[,]: (a) taxes,
23 interest and penalties collected or received pursuant to section eleven
24 hundred sixty-six-a of this article shall be paid to the credit of the
25 metropolitan transportation authority aid trust account of the metropol-
26 itan transportation authority financial assistance fund established by
27 section ninety-two-ff of the state finance law; and (b) taxes, interest
28 and penalties collected or received pursuant to section eleven hundred

1 sixty-six-b of this article shall be paid to the credit of the public
2 transportation systems operating assistance account established by
3 section eighty-eight-a of the state finance law.

4 § 4. This act shall take effect September 1, 2019, and shall apply to
5 rentals of passenger cars commencing on and after such date whether or
6 not under a prior contract; provided, however where such passenger car
7 rentals are billed on a monthly, quarterly or other period basis, the
8 tax imposed by this act shall apply to the rental for such period if
9 more than half of the days included in such period are days subsequent
10 to such effective date.

11 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
12 sion, section or part of this act shall be adjudged by any court of
13 competent jurisdiction to be invalid, such judgment shall not affect,
14 impair, or invalidate the remainder thereof, but shall be confined in
15 its operation to the clause, sentence, paragraph, subdivision, section
16 or part thereof directly involved in the controversy in which such judg-
17 ment shall have been rendered. It is hereby declared to be the intent of
18 the legislature that this act would have been enacted even if such
19 invalid provisions had not been included herein.

20 § 3. This act shall take effect immediately provided, however, that
21 the applicable effective date of Parts A through WW of this act shall be
22 as specifically set forth in the last section of such Parts.