



March 28, 2024

Hon. Kathy Hochul
Governor, State of New York
State Capitol Building
Albany, NY 12224

Hon. Andrea Stewart-Cousins
Majority Leader, NYS Senate
LOB Room 907
Albany, NY 12247

Hon. Carl E. Heastie
Speaker, NYS Assembly
LOB Room 932
Albany, NY 12248

Dear Governor Hochul, Leader Stewart-Cousins, and Speaker Heastie:

We, the undersigned members of the New York City Council, urge you to include in the Executive Budget a new subdivision to Section 131 of the State Cannabis Law that allows municipalities to adopt local laws pertaining to the unlicensed sale of cannabis, cannabis products, or any product marketed or labeled as such in a place of business.

Section 131 preempts the City Council from bringing the Administrative Code into alignment with the State Cannabis Law. As a result, changes to enforcement guidelines must include new authority for the City Council to enact a civil structure to impose financial penalties and issue closure orders where unlicensed sales are taking place, as well as process for administrative adjudication of any hearings required.

According to enforcement data provided to the City Council on March 14, 2024 there were 10,573 inspections for unlicensed cannabis, tobacco, e-cigarette, and flavored vape sales in 2023 conducted by three City agencies: the New York City Sheriff (1,475 inspections); New York Police Department (1,557 inspections); and the Department of Consumer and Worker Protection (7,541). DCWP, the agency doing the most enforcement (72%), has no authority over cannabis. At the same time, because of laws passed by the City Council, the agency routinely imposes financial penalties and issues closure orders for unlicensed and/or illegal sale of tobacco, e-cigarettes, and flavored vape products.

Any amendment to State Cannabis Law that expands the role of law enforcement without also authorizing the City Council to enact a civil enforcement structure will be incomplete.

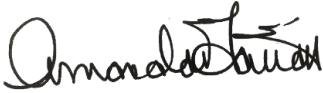
Sincerely,



Council Member Gale A. Brewer



Deputy Speaker Diana Ayala



Majority Leader Amanda Farías



Council Member Alexa Avilés



Council Member Chris Banks



Council Member Shekar Krishnan



Council Member Shaun Abreu



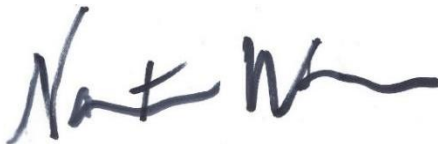
Council Member Joseph C. Borelli



Council Member Carlina Rivera



Council Member Julie Menin



Council Member Nantasha M. Williams



Council Member Crystal Hudson



Council Member Lynn C. Schulman



Council Member Justin L. Brannan



Council Member Erik D. Bottcher



Council Member Carmen De La Rosa



Council Member Eric Dinowitz



Council Member Shahana K. Hanif



Council Member Kamillah Hanks



Council Member Keith Powers



Council Member James F. Gennaro



Council Member Vickie Paladino



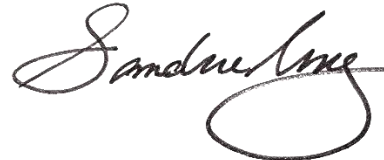
Council Member Mercedes Narcisse



Council Member Rita C. Joseph



Council Member Linda Lee



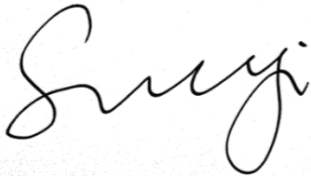
Council Member Sandra Ung



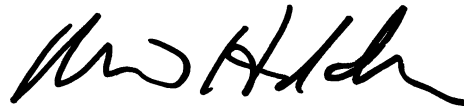
Council Member Chi A. Ossé



Council Member Christopher Marte



Council Member Susan Zhuang



Council Member Robert F. Holden



Council Member Kalman Yeger

cc: Blake G. Washington, New York State Budget Director
Kathryn Garcia, New York State Director of State Operations