

**FY 2022 NEW YORK STATE EXECUTIVE BUDGET**

**REVENUE  
ARTICLE VII LEGISLATION**

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Legislative Bill Drafting Commission  
12574-01-1

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 2021-2022 state fiscal year)

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BUDGBI. REV Governor

AN ACT

to amend the tax law, in relation to  
imposing a tax surcharge on wealthy  
taxpayers (Part A); to amend the tax  
law, in relation to delaying tax  
reductions (Part B); to amend the  
tax law and the state finance law,  
in relation to the imposition of a  
pass-through entity tax (Part C); to  
amend the economic development law  
and the tax law, in relation to  
child care services expenditures  
under the excelsior jobs program and

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	s17 Felder	s07 Kaplan	s58 O'Mara	s10 Sanders
s52 Akshar	s59 Gallivan	s26 Kavanagh	s62 Ortt	s23 Savino
s36 Bailey	s05 Gaughran	s63 Kennedy	s01 Palumbo	s32 Sepulveda
s30 Benjamin	s12 Gianaris	s28 Krueger	s21 Parker	s41 Serino
s34 Biaggi	s22 Gounardes	s24 Lanza	s19 Persaud	s29 Serrano
s57 Borrello	s47 Griffo	s11 Liu	s13 Ramos	s39 Skoufis
s04 Boyle	s40 Harckham	s50 Mannion	s61 Rath	s16 Stavisky
s44 Breslin	s54 Helming	s42 Martucci	s38 Reichlin-	s45 Stec
s25 Brisport	s46 Hinchey	s02 Mattera	Melnick	s35 Stewart-
s08 Brooks	s27 Hoylman	s53 May	s48 Ritchie	Cousins
s55 Brouk	s31 Jackson	s37 Mayer	s33 Rivera	s49 Tedisco
s14 Comrie	s43 Jordan	s20 Myrie	s60 Ryan	s06 Thomas
s56 Cooney	s09 Kaminsky	s51 Oberacker	s18 Salazar	s03 Weik

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	a063 Cusick	a021 Griffin	a051 Mitaynes	a111 Santabarbara
a092 Abinanti	a045 Cymbrowitz	a100 Gunther	a015 Montesano	a090 Sayegh
a031 Anderson	a018 Darling	a139 Hawley	a145 Morinello	a099 Schmitt
a122 Angelino	a053 Davila	a083 Heastie	a065 Niou	a076 Seawright
a107 Ashby	a072 De La Rosa	a028 Hevesi	a037 Nolan	a084 Septimo
a035 Aubry	a003 DeStefano	a128 Hunter	a144 Norris	a016 Sillitti
a120 Barclay	a070 Dickens	a029 Hyndman	a069 O'Donnell	a052 Simon
a030 Barnwell	a054 Dilan	a079 Jackson	a091 Otis	a114 Simpson
a106 Barrett	a081 Dinowitz	a104 Jacobson	a132 Palmesano	a005 Smith
a060 Barron	a147 DiPietro	a011 Jean-Pierre	a088 Paulin	a118 Smullen
a082 Benedetto	a009 Durso	a134 Jensen	a141 Peoples-	a022 Solages
a042 Bichotte	a048 Eichenstein	a115 Jones	Stokes	a057 Souffrant
Hermelyn	a004 Englebright	a077 Joyner	a058 Perry	Forrest
a117 Blankenbush	a074 Epstein	a125 Kelles	a023 Pheffer	a110 Steck
a098 Brabenc	a109 Fahy	a040 Kim	Amato	a010 Stern
a026 Braunstein	a061 Fall	a105 Lalor	a086 Pichardo	a127 Stirpe
a138 Bronson	a080 Fernandez	a013 Lavine	a089 Pretlow	a102 Tague
a012 Brown	a008 Fitzpatrick	a097 Lawler	a073 Quart	a064 Tannousis
a093 Burdick	a124 Friend	a126 Lemondes	a019 Ra	a071 Taylor
a085 Burgos	a046 Frontus	a135 Lunsford	a038 Rajkumar	a001 Thiele
a142 Burke	a095 Galef	a123 Lupardo	a006 Ramos	a033 Vanel
a119 Buttenschon	a050 Gallagher	a129 Magnarelli	a062 Reilly	a116 Walczyk
a094 Byrne	a131 Gallahan	a036 Mamdani	a087 Reyes	a055 Walker
a133 Byrnes	a007 Gandolfo	a130 Manktelow	a043 Richardson	a143 Wallace
a103 Cahill	a002 Giglio, J.A.	a108 McDonald	a078 Rivera, J.	a112 Walsh
a044 Carroll	a148 Giglio, J.M.	a014 McDonough	a149 Rivera, J.D.	a041 Weinstein
a136 Clark	a066 Glick	a146 McMahon	a068 Rodriguez	a024 Weprin
a047 Colton	a034 Gonzalez-	a137 Meeks	a027 Rosenthal, D.	a059 Williams
a140 Conrad	Rojas	a017 Mikulin	a067 Rosenthal, L.	a113 Woerner
a032 Cook	a150 Goodell	a101 Miller, B.	a025 Rozic	a096 Zebrowski
a039 Cruz	a075 Gottfried	a020 Miller, M.	a121 Salka	a056 Zinerman

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: in Assembly 2 copies of memorandum in support, in  
Senate 4 copies of memorandum in support (single house); or 4 signed copies  
of bill and 6 copies of memorandum in support (uni-bill).

the employer provided child care credit (Part D); to amend the tax law, in relation to reforming and simplifying various business tax provisions thereof; and to repeal certain provisions of such law related thereto (Part E); to amend the tax law, in relation to the empire state film production credit and the empire state film post production credit (Part F); to amend the tax law, in relation to wage filer reporting and reconciliation (Part G); 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 of taxes on cannabis; to amend the criminal procedure law, the civil practice law and rules, the general business law, the alcoholic beverage control law, the general obligations law, the social services law, the state finance law, the penal law and the vehicle and traffic law, in relation to making conforming changes; 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 title 5-A of article

33 of the public health law relating to medical use of marihuana; to repeal article 33-B of the public health law relating to the regulation of cannabinoid hemp and hemp extract; to repeal subdivision 4 of section 220.06 and subdivision 10 of section 220.09 of the penal law relating to criminal possession of a controlled substance; to repeal sections 221.10 and 221.30 of the penal law relating to the criminal possession of marihuana; and to repeal paragraph (f) of subdivision 2 of section 850 of the general business law relating to drug related paraphernalia (Part H); to amend the tax law, in relation to requiring vacation rental marketplace providers collect sales tax (Part I); to amend the tax law, to impose sales tax on such admissions to race tracks and simulcast facilities; and to repeal section 227, section 306, section 406, subparagraph (ii) of paragraph b of subdivision 4 of section 1008 and paragraph b of subdivision 5 of section 1009 of the racing, pari-mutuel, wagering and breeding law, relating to certain taxes on admissions to race tracks and simulcast facilities (Part J); to amend the tax law, in relation to increasing the interest free period for certain sales tax refunds (Part K); to amend the tax law, in relation to the authority of counties to impose sales and compensating use taxes; and to repeal certain provisions of such law relating thereto (Part L); to amend the tax law, in relation to exempting from sales and use tax certain tangible personal property or services (Part M); to amend the tax law, in relation to increasing the total dollar amount for vendors' gross receipts necessary for registration filing (Part N); to amend the tax law, in relation to imposing liability for real estate transfer taxes on responsible persons, prohibiting grantors from passing real estate transfer tax to grantees, and exempting certain organizations from the LLC disclosure

requirement (Part O); to amend the tax law, in relation to restrictions on certain retail dealers whose registrations have been revoked or who have been forbidden from selling cigarettes or tobacco products (Part P); to amend the tax law, in relation to the timing and method for filing certain returns (Part Q); to amend the tax law, in relation to determining liability for the collection of taxes on medallion taxicab trips and congestion surcharges (Part R); to amend the tax law, in relation to increasing tax return preparer penalties for failure to register and requiring the display of certain documents by tax return preparers (Part S); to amend the tax law, in relation to permitting the commissioner of taxation and finance to seek judicial review of decisions of the tax appeals tribunal (Part T); to amend the real property law and the tax law, in relation to electronic submission of consolidated real property transfer forms; and to repeal certain provisions of the real property law relating thereto (Part U); to amend the real property tax law, in relation to providing that beginning with assessment rolls used to levy school district taxes for the 2021--2022 school year, no application for a new enhanced exemption under this section may be approved (Subpart A); to amend the real property tax law, in relation to extending the cutoff date for a STAR credit switch (Subpart B); to amend the tax law, in relation to tax returns of deceased individuals (Subpart C); to amend the real property tax law, in relation to the powers of the state board of real property tax services and the commissioner of taxation and finance; to amend the tax law, in relation to requiring the commissioner of taxation and finance verify the income eligibility of recipients of the basic STAR exemption; and to repeal certain provisions of the real property tax law relating thereto (Subpart D); and to amend



the real property law, in relation to exemptions for manufactured home park owners or operators and mobile home owners; and to repeal certain provisions of such law relating thereto (Subpart E)(Part V); to amend the real property tax law, in relation to facilitating the administration of the real property tax, and to repeal section 307 of such law relating thereto (Part W); to amend the real property tax law and the general municipal law, in relation to promoting the development of renewable energy projects (Part X); to amend the racing, pari-mutuel wagering and breeding law, in relation to authorizing mobile sports wagering; and providing for the repeal of certain provisions of such law relating thereto (Part Y); authorizing a request for information related to gaming facility licenses (Part Z); to amend the tax law, in relation to a keno style lottery game (Part AA); to amend the tax law, in relation to restrictions on certain lottery draw game offerings (Part BB); to amend the racing, pari-mutuel wagering and breeding law, in relation to the office of the gaming inspector general; and to repeal certain provisions of such law relating thereto (Part CC); 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 to amend 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

DD); to amend chapter 109 of the laws of 2006 amending the tax law and other laws relating to providing exemptions, reimbursements and credits from various taxes for certain alternative fuels, in relation to extending the alternative fuels tax exemptions for five years (Part EE); to amend the tax law and chapter 60 of the laws of 2016 amending the tax law relating to creating a farm workforce retention credit, in relation to extending the provisions of such credit through tax year 2024 (Part FF); to amend the public housing law, in relation to extending the credit against income tax for persons or entities investing in low-income housing (Part GG); to amend chapter 59 of the laws of 2014, amending the tax law relating to a musical and theatrical production credit, in relation to the effectiveness thereof; and to amend the tax law in relation to increasing the aggregate cap on the amount of such credit (Part HH); to amend the tax law, in relation to extending hire a veteran credit for an additional year (Part II); to amend chapter 61 of the laws of 2011 amending the economic development law, the tax law and the real property tax law, relating to establishing the economic transformation and facility redevelopment program and providing tax benefits under that program and to amend the economic development law, in relation to extending the tax credits under the economic transformation and facility redevelopment program (Part JJ); to amend the general business law, in relation to requiring the implementation of the secure choice program by a certain date (Part KK); and in relation to temporarily suspending certain racing support payments (Part LL)

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 2021-2022  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through LL. 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 a 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. The tax law is amended by adding a new section 602 to read  
14 as follows:

15 § 602. (a) Surcharge. In addition to the taxes imposed under section  
16 six hundred one of this part, an income tax surcharge is hereby imposed  
17 on individuals for the taxable years two thousand twenty-one through two  
18 thousand twenty-three on the taxpayer's New York taxable income, at the  
19 following rates:

20 <u>If the taxpayer's New York</u>	<u>The surcharge rate is:</u>
21 <u>taxable income is:</u>	
22 <u>Over \$5,000,000 but not over \$10,000,000</u>	<u>0.5 percent</u>
23 <u>Over \$10,000,000 but not over \$25,000,000</u>	<u>1.0 percent</u>
24 <u>Over \$25,000,000 but not over \$50,000,000</u>	<u>1.5 percent</u>

1	<u>Over \$50,000,000 but not over \$100,000,000</u>	<u>1.75 percent</u>
2	<u>Over \$100,000,000</u>	<u>2.0 percent</u>

3 (b) Method of payment. A taxpayer shall pay the tax surcharge when the  
4 taxpayer files his or her personal income tax return required to be  
5 filed pursuant to section six hundred fifty-one of this article. A  
6 taxpayer may also pre-pay in taxable year two thousand twenty-one all or  
7 a portion of the tax surcharge for taxable year two thousand twenty-two  
8 and/or two thousand twenty-three that the taxpayer estimates will be  
9 owed under this section in the manner the commissioner of taxation and  
10 finance shall prescribe. The commissioner shall prescribe a method of  
11 recording and applying the payment of pre-paid tax surcharge amounts  
12 made pursuant to this to this subsection, with the pre-payment reducing  
13 the taxpayer's surcharge liability first for taxable year two thousand  
14 twenty-two, with the remainder applied to reduce the taxpayer's  
15 surcharge liability in taxable year two thousand twenty-three and any  
16 excess in taxable year two thousand twenty-three treated as a tax over-  
17 payment to be refunded or credited against tax otherwise owed under this  
18 article; provided however, that no interest will be paid thereon. The  
19 surcharge imposed by this section shall be included for purposes of  
20 computing and remitting estimated tax pursuant to section six hundred  
21 eighty-five of this article. The credits allowed under this article may  
22 not be used to reduce the surcharge imposed by this section.

23 § 2. Subsection (c) of section 612 of the tax law is amended by adding  
24 a new paragraph 43 to read as follows:

25 (43) Taxpayers who pre-pay the tax surcharge imposed under subsection  
26 (a) of section six hundred two of this article in taxable year two thou-  
27 sand twenty-one shall be allowed a deduction as computed in this para-

1 graph beginning in taxable year two thousand twenty-four. In taxable  
2 year two thousand twenty-four, the deduction shall be equal to the less-  
3 er of (i) the sum of the taxpayer's interest, dividends and capital  
4 gains taxable in this state or (ii) the product of fifty percent and the  
5 pre-payment income equivalent. For purposes of this paragraph, the pre-  
6 payment income equivalent is the quotient of the amount of the tax  
7 surcharge pre-payment the taxpayer made pursuant to subsection (b) of  
8 section six hundred two of this article and eight and eighty-two  
9 hundredths percent. The deduction allowed in taxable year two thousand  
10 twenty-five and thereafter shall be equal to the lesser of (i) the sum  
11 of the taxpayer's interest, dividends and capital gains taxable in this  
12 state or (ii) the remaining amount of the taxpayer's pre-payment income  
13 equivalent. The taxpayer shall continue to be allowed this deduction  
14 until all of the taxpayer's pre-payment income equivalent is used up in  
15 calculating this deduction.

16 § 3. Section 606 of the tax law is amended by adding a new subsection  
17 (www) to read as follows:

18 (www) Taxpayers who pre-pay the tax surcharge imposed under section  
19 six hundred two of this article but die before the remainder of its  
20 pre-payment income equivalent is used up as provided in paragraph  
21 forty-three of subsection (c) of section six hundred twelve of this  
22 article, will be allowed a tax credit on the taxpayer's final return  
23 equal to the remaining amount of tax surcharge pre-payment the taxpayer  
24 has available for use that corresponds to the remaining pre-payment  
25 income equivalent referred to in paragraph forty-three of subsection (c)  
26 of section six hundred twelve of this article. If the amount of credit  
27 allowable under this subsection for any taxable year shall exceed the  
28 taxpayer's tax for such year, the excess shall be treated as an overpay-

1 ment to be refunded in accordance with the provisions of section six  
2 hundred eighty-six of this article, provided however, that no interest  
3 shall be paid thereon.

4 § 4. Notwithstanding any provision of law to the contrary, the method  
5 of determining the amount to be deducted and withheld from wages on  
6 account of taxes imposed by or pursuant to the authority of article 22  
7 of the tax law in connection with the implementation of the provisions  
8 of this act shall be prescribed by the commissioner of taxation and  
9 finance with due consideration to the effect such withholding tables and  
10 methods would have on the receipt and amount of revenue. The commission-  
11 er of taxation and finance shall adjust such withholding tables and  
12 methods in regard to taxable years beginning in 2021 and after in such  
13 manner as to result, so far as practicable, in withholding from an  
14 employee's wages an amount substantially equivalent to the tax reason-  
15 ably estimated to be due for such taxable years as a result of the  
16 provisions of this act. Any such changes in withholding tables and meth-  
17 ods for tax year 2021 shall be adopted and effective as soon as practi-  
18 cable. The commissioner of taxation and finance may make similar changes  
19 to withholding tables and methods. The withholding tables and methods  
20 for tax year 2021 shall not be prescribed by regulation, notwithstanding  
21 any provision of the state administrative procedure act to the contrary.

22 § 5. The additions to tax imposed by subsection (c) of section 685 of  
23 the tax law shall not apply to any installments of estimated tax due on  
24 or before September fifteenth, two thousand twenty-one if the underpay-  
25 ment is the result of the enactment of the tax surcharge for the tax  
26 year two thousand twenty-one prescribed by this act.

27 § 6. Severability. The powers granted and the duties imposed by this  
28 act and the applicability thereof to any taxpayers shall be construed to

1 be independent and severable and if any one or more sections,  
2 subsections, clauses, sentences or parts of this act, or the applicabil-  
3 ity thereof to any taxpayers shall be adjudged unconstitutional or  
4 invalid, such judgment shall not affect, impair or invalidate the  
5 remaining provisions thereof or the applicability thereof to other  
6 taxpayers, but shall be confined in its operation to the specific  
7 provisions so held unconstitutional and invalid and to the taxpayers  
8 affected thereby. If any provisions under section two or three of this  
9 act shall be adjudged unconstitutional or invalid, then the entire  
10 affected section of this act shall be deemed void.

11 § 7. This act shall take effect immediately.

12 PART B

13 Section 1. Clauses (iii), (iv), (v), (vi), (vii) and (viii) of  
14 subparagraph (B) of paragraph 1 of subsection (a) of section 601 of the  
15 tax law, clauses (iii), (iv), (v), (vi) and (vii) as amended by section  
16 1 of part P of chapter 59 of the laws of 2019 and clause (viii) as added  
17 by section 1 of part R of chapter 59 of the laws of 2017, are amended to  
18 read as follows:

19 (iii) For taxable years beginning in two thousand twenty and two thou-  
20 sand twenty-one the following rates shall apply:

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

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



1 \$2,155,350

2 (v) For taxable years beginning in two thousand [twenty-two] twenty-  
3 three the following rates shall apply:

4 If the New York taxable income is: The tax is:

5 Not over \$17,150 4% of the New York taxable income

6 Over \$17,150 but not over \$23,600 \$686 plus 4.5% of excess over

7 \$17,150

8 Over \$23,600 but not over \$27,900 \$976 plus 5.25% of excess over

9 \$23,600

10 Over \$27,900 but not over \$161,550 \$1,202 plus 5.85% of excess over

11 \$27,900

12 Over \$161,550 but not over \$323,200 \$9,021 plus 6.25% of excess over

13 \$161,550

14 Over \$323,200 but not over \$2,155,350 \$19,124 plus

15 6.85% of excess over \$323,200

16 Over \$2,155,350 \$144,626 plus 8.82% of excess over

17 \$2,155,350

18 (vi) For taxable years beginning in two thousand [twenty-three] twen-  
19 ty-four the following rates shall apply:

20 If the New York taxable income is: The tax is:

21 Not over \$17,150 4% of the New York taxable income

22 Over \$17,150 but not over \$23,600 \$686 plus 4.5% of excess over

23 \$17,150

24 Over \$23,600 but not over \$27,900 \$976 plus 5.25% of excess over

25 \$23,600

26 Over \$27,900 but not over \$161,550 \$1,202 plus 5.73% of excess over

27 \$27,900

28 Over \$161,550 but not over \$323,200 \$8,860 plus 6.17% of excess over

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

6 (vii) For taxable years beginning in two thousand [twenty-four] twen-  
 7 ty-five the 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 but not over	\$18,544 plus 6.85% of
19 \$2,155,350	excess over \$323,200
20 Over \$2,155,350	\$144,047 plus 8.82% of excess over
21	\$2,155,350

22 (viii) For taxable years beginning after two thousand [twenty-four]  
 23 twenty-five the following rates shall apply:

24 If the New York taxable income is:	The tax is:
25 Not over \$17,150	4% of the New York taxable income
26 Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
27	\$17,150
28 Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over

1		\$23,600
2	Over \$27,900 but not over \$161,550	\$1,202 plus 5.5% of excess over
3		\$27,900
4	Over \$161,550 but not over \$323,200	\$8,553 plus 6.00% of excess over
5		\$161,550
6	Over \$323,200	\$18,252 plus 6.85% of excess over
7		\$323,200
8	§ 2. Clauses (iii), (iv), (v), (vi), (vii) and (viii) of subparagraph	
9	(B) of paragraph 1 of subsection (b) of section 601 of the tax law,	
10	clauses (iii), (iv), (v), (vi) and (vii) as amended by section 2 of part	
11	P of chapter 59 of the laws of 2019 and clause (viii) as added by	
12	section 2 of part R of chapter 59 of the laws of 2017, are amended to	
13	read as follows:	
14	(iii) For taxable years beginning in two thousand twenty <u>and two thou-</u>	
15	<u>sand twenty-one</u> the following rates shall apply:	
16	If the New York taxable income is:	The tax is:
17	Not over \$12,800	4% of the New York taxable income
18	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over \$12,800
19	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
20		\$17,650
21	Over \$20,900 but not over \$32,200	\$901 plus 5.9% of excess over \$20,900
22	Over \$32,200 but not over \$107,650	\$1,568 plus 6.09% of excess over
23		\$32,200
24	Over \$107,650 but not over \$269,300	\$6,162 plus 6.41% of excess over
25		\$107,650
26	Over \$269,300 but not over	\$16,524 plus 6.85% of
27	\$1,616,450	excess over \$269,300
28	Over \$1,616,450	\$108,804 plus 8.82% of excess over

1 \$1,616,450

2 (iv) For taxable years beginning in two thousand [twenty-one] twenty-  
3 two the following rates shall apply:

4 If the New York taxable income is: The tax is:

5 Not over \$12,800 4% of the New York taxable income

6 Over \$12,800 but not over \$17,650 \$512 plus 4.5% of excess over  
7 \$12,800

8 Over \$17,650 but not over \$20,900 \$730 plus 5.25% of excess over  
9 \$17,650

10 Over \$20,900 but not over \$32,200 \$901 plus 5.9% of excess over  
11 \$20,900

12 Over \$32,200 but not over \$107,650 \$1,568 plus 5.97% of excess over  
13 \$32,200

14 Over \$107,650 but not over \$269,300 \$6,072 plus 6.33% of excess over  
15 \$107,650

16 Over \$269,300 but not over \$1,616,450 \$16,304 plus 6.85% of  
17 \$1,616,450 excess over \$269,300

18 Over \$1,616,450 \$108,584 plus 8.82% of excess over  
19 \$1,616,450

20 (v) For taxable years beginning in two thousand [twenty-two] twenty-  
21 three the following rates shall apply:

22 If the New York taxable income is: The tax is:

23 Not over \$12,800 4% of the New York taxable income

24 Over \$12,800 but not over \$17,650 \$512 plus 4.5% of excess over  
25 \$12,800

26 Over \$17,650 but not over \$20,900 \$730 plus 5.25% of excess over  
27 \$17,650

28 Over \$20,900 but not over \$107,650 \$901 plus 5.85% of excess over

1		\$20,900
2	Over \$107,650 but not over \$269,300	\$5,976 plus 6.25% of excess over
3		\$107,650
4	Over \$269,300 but not over	\$16,079 plus 6.85% of excess
5	\$1,616,450	over \$269,300
6	Over \$1,616,450	\$108,359 plus 8.82% of excess over
7		\$1,616,450

8 (vi) For taxable years beginning in two thousand [twenty-three] twen-  
 9 ty-four the following rates shall apply:

10	If the New York taxable income is:	The tax is:
11	Not over \$12,800	4% of the New York taxable income
12	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
13		\$12,800
14	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
15		\$17,650
16	Over \$20,900 but not over \$107,650	\$901 plus 5.73% of excess over
17		\$20,900
18	Over \$107,650 but not over \$269,300	\$5,872 plus 6.17% of excess over
19		\$107,650
20	Over \$269,300 but not over	\$15,845 plus 6.85% of excess
21	\$1,616,450	over \$269,300
22	Over \$1,616,450	\$108,125 plus 8.82% of excess over
23		\$1,616,450

24 (vii) For taxable years beginning in two thousand [twenty-four] twen-  
 25 ty-five the following rates shall apply:

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

1		\$12,800
2	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
3		\$17,650
4	Over \$20,900 but not over \$107,650	\$901 plus 5.61% of excess over
5		\$20,900
6	Over \$107,650 but not over \$269,300	\$5,768 plus 6.09% of excess over
7		\$107,650
8	Over \$269,300 but not over	\$15,612 plus 6.85% of excess
9	\$1,616,450	over \$269,300
10	Over \$1,616,450	\$107,892 plus 8.82% of excess over
11		\$1,616,450

12 (viii) For taxable years beginning after two thousand [twenty-four]  
 13 twenty-five the following rates shall apply:

14	If the New York taxable income is:	The tax is:
15	Not over \$12,800	4% of the New York taxable income
16	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
17		\$12,800
18	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
19		\$17,650
20	Over \$20,900 but not over \$107,650	\$901 plus 5.5% of excess over
21		\$20,900
22	Over \$107,650 but not over \$269,300	\$5,672 plus 6.00% of excess over
23		\$107,650
24	Over \$269,300	\$15,371 plus 6.85% of excess over
25		\$269,300

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

1 P of chapter 59 of the laws of 2019 and clause (viii) as added by  
2 section 3 of part R of chapter 59 of the laws of 2017, are amended to  
3 read as follows:

4 (iii) For taxable years beginning in two thousand twenty and two thou-  
5 sand twenty-one the following rates shall apply:

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

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

24 If the New York taxable income is:	The tax is:
25 Not over \$8,500	4% of the New York taxable income
26 Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
27	\$8,500
28 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 but not over	\$13,109 plus 6.85% of excess
9	\$1,077,550	over \$215,400
10	Over \$1,077,550	\$72,166 plus 8.82% of excess over
11		\$1,077,550
12	(v) For taxable years beginning in two thousand [twenty-two] <u>twenty-</u>	
13	<u>three</u> the following 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 but not over	\$12,926 plus 6.85% of excess
25	\$1,077,550	over \$215,400
26	Over \$1,077,550	\$71,984 plus 8.82% of excess over
27		\$1,077,550



1 (vi) For taxable years beginning in two thousand [twenty-three] twen-  
2 ty-four the 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 but not over	\$12,738 plus 6.85% of excess
14 \$1,077,550	over \$215,400
15 Over \$1,077,550	\$71,796 plus 8.82% of excess over
16	\$1,077,550

17 (vii) For taxable years beginning in two thousand [twenty-four] twen-  
18 ty-five the 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 but not over	\$12,550 plus 6.85% of excess
3	\$1,077,550	over \$215,400
4	Over \$1,077,550	\$71,608 plus 8.82% of excess over
5		\$1,077,550
6	(viii) For taxable years beginning after two thousand [twenty-four]	
7	<u>twenty-five</u> the following rates shall apply:	
8	If the New York taxable income is:	The tax is:
9	Not over \$8,500	4% of the New York taxable income
10	Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
11		\$8,500
12	Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
13		\$11,700
14	Over \$13,900 but not over \$80,650	\$600 plus 5.50% of excess over
15		\$13,900
16	Over \$80,650 but not over \$215,400	\$4,271 plus 6.00% of excess over
17		\$80,650
18	Over \$215,400	\$12,356 plus 6.85% of excess over
19		\$215,400

20 § 4. Subparagraph (D) of paragraph 1 of subsection (d-1) of section  
 21 601 of the tax law, as amended by section 4 of part P of chapter 59 of  
 22 the laws of 2019, is amended to read as follows:

23 (D) The tax table benefit is the difference between (i) the amount of  
 24 taxable income set forth in the tax table in paragraph one of subsection  
 25 (a) of this section not subject to the 8.82 percent rate of tax for the  
 26 taxable year multiplied by such rate and (ii) the dollar denominated tax  
 27 for such amount of taxable income set forth in the tax table applicable  
 28 to the taxable year in paragraph one of subsection (a) of this section

1 less the sum of the tax table benefits in subparagraphs (A), (B) and (C)  
2 of this paragraph. The fraction for this subparagraph is computed as  
3 follows: the numerator is the lesser of fifty thousand dollars or the  
4 excess of New York adjusted gross income for the taxable year over two  
5 million dollars and the denominator is fifty thousand dollars. This  
6 subparagraph shall apply only to taxable years beginning on or after  
7 January first, two thousand twelve and before January first, two thou-  
8 sand [twenty-five] twenty-six.

9 § 5. Subparagraph (C) of paragraph 2 of subsection (d-1) of section  
10 601 of the tax law, as amended by section 5 of part P of chapter 59 of  
11 the laws of 2019, is amended to read as follows:

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

26 § 6. Subparagraph (C) of paragraph 3 of subsection (d-1) of section  
27 601 of the tax law, as amended by section 6 of part P of chapter 59 of  
28 the laws of 2019, is amended to read as follows:

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

15 § 7. Notwithstanding any provision of law to the contrary, the method  
16 of determining the amount to be deducted and withheld from wages on  
17 account of taxes imposed by or pursuant to the authority of article 22  
18 of the tax law in connection with the implementation of the provisions  
19 of this act shall be prescribed by the commissioner of taxation and  
20 finance with due consideration to the effect such withholding tables and  
21 methods would have on the receipt and amount of revenue. The commission-  
22 er of taxation and finance shall adjust such withholding tables and  
23 methods in regard to taxable years beginning in 2021 and after in such  
24 manner as to result, so far as practicable, in withholding from an  
25 employee's wages an amount substantially equivalent to the tax reason-  
26 ably estimated to be due for such taxable years as a result of the  
27 provisions of this act. Any such changes in withholding tables and meth-  
28 ods for tax year 2021 shall be adopted and effective as soon as practi-

1 cable. The commissioner of taxation and finance may make similar changes  
2 to withholding tables and methods. The withholding tables and methods  
3 for tax year 2021 shall not be prescribed by regulation, notwithstanding  
4 any provision of the state administrative procedure act to the contrary.

5 § 8. The additions to tax imposed by subsection (c) of section 685 of  
6 the tax law shall not apply to any installments of estimated tax due on  
7 or before September fifteenth, two thousand twenty-one if the underpay-  
8 ment is the result of the enactment of the tax rates for the tax year  
9 two thousand twenty-one prescribed by this act.

10 § 9. This act shall take effect immediately.

11 PART C

12 Section 1. The tax law is amended by adding a new article 24-A to read  
13 as follows:

14 ARTICLE 24-A

15 PASS-THROUGH ENTITY TAX

16 Section 860. Definitions.

17 861. Pass-through entity tax election.

18 862. Imposition and rate of tax.

19 863. Pass-through entity tax credit.

20 864. Payment of estimated tax.

21 865. Filing of return and payment of tax.

22 866. Accounting periods and methods.

23 867. Procedural provisions.

24 § 860. Definitions. For purposes of this article:

25 (a) Eligible partnership. Eligible partnership means any partnership  
26 as provided for in section 7701(a)(2) of the Internal Revenue Code that

1 consists solely of partners who are individuals. An eligible partner-  
2 ship includes any limited liability company treated as a partnership for  
3 federal income tax purposes that otherwise meets the requirements of  
4 this subdivision.

5 (b) Eligible S corporation. Eligible S corporation means any New York  
6 S corporation as defined pursuant to this chapter that consists solely  
7 of shareholders who are individuals. An eligible S corporation includes  
8 any limited liability company treated as an S corporation for federal  
9 income tax purposes that otherwise meets the requirements of this subdi-  
10 vision.

11 (c) Electing partnership. Electing partnership means any eligible  
12 partnership that made a valid, timely election pursuant to section eight  
13 hundred sixty-one of this article.

14 (d) Electing S corporation. Electing S corporation means any eligible  
15 S corporation that made a valid, timely election pursuant to section  
16 eight hundred sixty-one of this article.

17 (e) Taxpayer. Taxpayer means any electing partnership or electing S  
18 corporation.

19 (f) Pass-through entity tax. Pass-through entity tax means the total  
20 tax imposed by this article on electing partnerships and electing S  
21 corporations.

22 (g) Pass-through adjusted net income (not less than zero). Pass-  
23 through adjusted net income (not less than zero) means:

24 (1) In the case of an electing partnership, the sum of (i) federal  
25 taxable income (not less than zero), as described in section 702(a)(8)  
26 of the Internal Revenue Code, to the extent earned directly by such  
27 partnership; (ii) taxes paid or incurred during the taxable year pursu-  
28 ant to this article by a partnership to the extent deducted in computing

1 federal taxable income; (iii) taxes substantially similar to the tax  
2 imposed pursuant to this article paid or incurred during the taxable  
3 year to another state of the United States, a political subdivision of  
4 such state, or the District of Columbia to the extent deducted in  
5 computing federal taxable income; and (iv) guaranteed payments paid by  
6 the partnership to its partners as described in section 707(c) of the  
7 Internal Revenue Code.

8 (2) In the case of an electing S corporation, the sum of (i) federal  
9 nonseparately computed income (not less than zero), as described in  
10 section 1366(a)(2) of the Internal Revenue Code, whether earned by such  
11 S corporation or by a partnership of which the S corporation is a part-  
12 ner; (ii) taxes paid or incurred during the taxable year pursuant to  
13 this article by an S corporation to the extent deducted in computing  
14 federal ordinary income; and (iii) taxes substantially similar to the  
15 tax imposed pursuant to this article paid or incurred during the taxable  
16 year to another state of the United States, a political subdivision of  
17 such state, or the District of Columbia to the extent deducted in  
18 computing federal taxable income.

19 (h) Partnership taxable income. Partnership taxable income of an  
20 electing partnership means the sum of (1) the electing partnership's  
21 pass-through adjusted net income (not less than zero), allocated to New  
22 York State pursuant to subdivision (b) of section eight hundred sixty-  
23 two of this article; and (2) the electing partnership's proportionate  
24 share of any pass-through adjusted net income (not less than zero) from  
25 a partnership of which it is a partner to the extent it was sourced to  
26 New York by such partnership pursuant to the principles of article twen-  
27 ty-two of this chapter.

1 (i) S corporation taxable income. S corporation taxable income of an  
2 electing S corporation means the electing S corporation's pass-through  
3 adjusted net income (not less than zero) allocated to New York State  
4 pursuant to subdivision (c) of section eight hundred sixty-two of this  
5 article.

6 § 861. Pass-through entity tax election. (a) Any eligible partnership  
7 or eligible S corporation doing business within this state shall be  
8 allowed to make an annual election to be taxed pursuant to this article.

9 (b) In order to be effective, the annual election must be made (1) if  
10 the entity is an S corporation, by any officer, manager or shareholder  
11 of the S corporation who is authorized under the law of the state where  
12 the corporation is incorporated or under the S corporation's organiza-  
13 tional documents to make the election and who represents to having such  
14 authorization under penalty of perjury; or (2) if the entity is not an S  
15 corporation, by any member, partner, owner, or other individual with  
16 authority to bind the entity or sign returns pursuant to section six  
17 hundred fifty-three of this chapter.

18 (c) If the eligible partnership or eligible S corporation reports on a  
19 calendar year basis, the annual election must be made by December first  
20 of each calendar year and will take effect for the immediately succeed-  
21 ing calendar year. If an election is made after December first of a  
22 calendar year, it will first take effect in the second succeeding calen-  
23 dar year.

24 (d) If the eligible partnership or eligible S corporation reports on a  
25 fiscal year basis, the annual election must be made by the first day of  
26 the last full month prior to the start of the fiscal year and will take  
27 effect for the immediately succeeding fiscal year. If an election is



1 made after such date, it will first take effect in the second succeeding  
2 fiscal year.

3 (e) (1) Termination of election. An election pursuant to subdivision  
4 (a) of this section shall be terminated whenever, at any time during the  
5 taxable year, the taxpayer ceases to be an eligible partnership or  
6 eligible S corporation.

7 (2) Effective date of termination. The termination of an election is  
8 effective immediately upon the taxpayer ceasing to be an eligible part-  
9 nership or eligible S corporation and no tax will be due pursuant to  
10 this article for the taxable year.

11 (3) Abatement of penalties. If a termination occurs pursuant to this  
12 subdivision solely because a partner, member or shareholder of an other-  
13 wise eligible partnership or eligible S corporation died during the  
14 taxable year and the successor to the decedent's interest in the part-  
15 nership or S corporation is not an individual, no addition to tax will  
16 be imposed pursuant to subsection (c) of section six hundred eighty-five  
17 of this chapter on the partners, members and shareholders of such part-  
18 nership or S corporation solely for underpayment of estimated personal  
19 income tax as a result of the termination of the election made pursuant  
20 to this article.

21 § 862. Imposition and rate of tax. (a) General. A tax is hereby  
22 imposed for each taxable year on the partnership taxable income of every  
23 electing partnership doing business within this state and on the S  
24 corporation taxable income of every electing S corporation doing busi-  
25 ness within this state. This tax shall be in addition to any other taxes  
26 imposed and shall be at the rate of six and eighty-five hundredths  
27 percent for each taxable year beginning on or after January first, two  
28 thousand twenty-two.

1 (b) Allocation to New York by an electing partnership. In determining  
2 the amount of partnership taxable income, the adjusted net income of the  
3 electing partnership shall be allocated to this state pursuant to the  
4 principles of article twenty-two of this chapter.

5 (c) Allocation to New York by an electing S corporation. In determin-  
6 ing the amount of S corporation taxable income, the adjusted net income  
7 of the electing S corporation shall be allocated to this state by multi-  
8 plying the adjusted net income of the electing S corporation by the  
9 business apportionment factor of the electing S corporation as calcu-  
10 lated pursuant to section two hundred ten-A of this chapter.

11 § 863. Pass-through entity tax credit. An individual subject to tax  
12 under article twenty-two of this chapter that is a partner or member in  
13 an electing partnership or a shareholder of an electing S corporation  
14 subject to tax under this article shall be allowed a credit against the  
15 tax imposed pursuant to article twenty-two of this chapter, computed  
16 pursuant to the provisions of subsection (kkk) of section six hundred  
17 six of this chapter.

18 § 864. Payment of estimated tax. (a) Definition of estimated tax.  
19 Estimated tax means the amount that an electing partnership or electing  
20 S corporation estimates to be the tax imposed by section eight hundred  
21 sixty-two of this article for the current taxable year.

22 (b) General. The estimated tax shall be paid as follows for an elect-  
23 ing partnership and an electing S corporation that reports on a calendar  
24 year basis:

25 (1) The estimated tax shall be paid in four equal installments on  
26 March fifteenth, June fifteenth, September fifteenth and December  
27 fifteenth.

1 (2) The amount of any required installment shall be twenty-five  
2 percent of the required annual payment.

3 (3) The required annual payment is the lesser of: (A) ninety percent  
4 of the tax shown on the return for the taxable year; or (B) one hundred  
5 percent of the tax shown on the return of the electing partnership or  
6 electing S corporation for the preceding taxable year.

7 (c) Application to short taxable year. This section shall apply to a  
8 taxable year of less than twelve months in accordance with procedures  
9 established by the commissioner.

10 (d) Fiscal year. This section shall apply to a taxable year other than  
11 a calendar year by the substitution of the months of such fiscal year  
12 for the corresponding months specified in this section.

13 (e) Installments paid in advance. An electing partnership or electing  
14 S corporation may elect to pay any installment of its estimated tax  
15 prior to the date prescribed for the payment thereof.

16 § 865. Filing of return and payment of tax. (a) General. On or before  
17 the fifteenth day of the third month following the close of the taxable  
18 year, each electing partnership and each electing S corporation must  
19 file a return for the taxable year reporting the information required  
20 pursuant to this article.

21 (b) Certification of eligibility. Every return filed pursuant to  
22 subdivision (a) of this section shall include, in a format as prescribed  
23 by the commissioner, a certification by an individual authorized to act  
24 on behalf of the electing partnership or electing S corporation that the  
25 taxpayer:

26 (1) made a timely, valid election to be subject to tax pursuant to  
27 this article;

1 (2) was at all times during the taxable year eligible to make such an  
2 election, unless such return includes a notification of termination as  
3 provided for in subdivision (c) of this section; and

4 (3) that all statements contained therein are true.

5 (c) Notification of termination. If an election is terminated during  
6 the taxable year pursuant to subdivision (e) of section eight hundred  
7 sixty-one of this article, the electing partnership or electing S corpo-  
8 ration is required to file a return pursuant to subdivision (a) of this  
9 section notifying the commissioner of such termination. Such notifica-  
10 tion will be considered a claim for a credit or refund of an overpayment  
11 of pass-through entity tax of any estimated payments made pursuant to  
12 this article for the taxable year containing the date of termination.

13 (d) Information on return. Each electing partnership and electing S  
14 corporation shall report on such return:

15 (1) The balance of any tax shown on such return, not previously paid  
16 as installments of estimated tax, shall be paid with such return;

17 (2) Identifying information of all partners, members and/or sharehold-  
18 ers eligible to receive a credit pursuant to section eight hundred sixty  
19 three and such partner's, member's and/or shareholder's distributive or  
20 pro rata share of the pass-through entity tax imposed on the electing  
21 partnership or S corporation; and

22 (3) Any other information as required by the commissioner.

23 (e) Information provided to partners. Each electing partnership  
24 subject to tax under this article shall report to each partner or member  
25 its distributive share of:

26 (1) the partnership taxable income of the electing partnership;

27 (2) the pass-through entity tax imposed on the electing partnership;

28 and

1 (3) any other information as required by the commissioner.

2 (f) Information provided to shareholders. Each electing S corporation  
3 subject to tax under this article shall report to each shareholder its  
4 pro rata share of:

5 (1) the S corporation taxable income of the electing S corporation;

6 (2) the pass-through entity tax imposed on the electing S corporation;

7 and

8 (3) any other information as required by the commissioner.

9 § 866. Accounting periods and methods. (a) Accounting periods. An  
10 electing partnership's or electing S corporation's taxable year pursuant  
11 to this article shall be the same as the electing partnership's or  
12 electing S corporation's taxable year for federal income tax purposes.

13 (b) Accounting methods. An electing partnership's or electing S corpo-  
14 ration's method of accounting pursuant to this article shall be the same  
15 as the electing partnership's or electing S corporation's method of  
16 accounting for federal income tax purposes.

17 (c) Change of accounting period or method. (1) If an electing partner-  
18 ship's or electing S corporation's taxable year or method of accounting  
19 is changed for federal income tax purposes, the taxable year or method  
20 of accounting for purposes of this article shall be similarly changed.

21 (2) If an electing partnership's or electing S corporation's method of  
22 accounting is changed, any additional tax that results from adjustments  
23 determined to be necessary solely by reason of such change shall not be  
24 greater than if such adjustments were ratably allocated and included for  
25 the taxable year of the change and the preceding taxable years, not in  
26 excess of two, during which the entity used the method of accounting  
27 from which the change is made.

1 § 867. Procedural provisions. (a) General. All provisions of article  
2 twenty-two of this chapter will apply to the provisions of this article  
3 in the same manner and with the same force and effect as if the language  
4 of article twenty-two of this chapter had been incorporated in full into  
5 this article and had been specifically adjusted for and expressly  
6 referred to the tax imposed by this article, except to the extent that  
7 any provision is either inconsistent with a provision of this article or  
8 is not relevant to this article. Notwithstanding the preceding sentence,  
9 no credit against tax in article twenty-two of this chapter can be used  
10 to offset the tax due pursuant to this article.

11 (b) Cross Article filings. Notwithstanding any other provisions of  
12 this article:

13 (1) The commissioner may require the filing of one return which, in  
14 addition to the return provided for in section eight hundred sixty-five  
15 of this article, may also include any of the returns required to be  
16 filed by a taxpayer pursuant to the provisions of subsection (c) of  
17 section six hundred fifty-eight or article nine-A of this chapter.

18 (2) Where such return is required, the commissioner may also require  
19 the payment with it of a single amount which shall equal the total of  
20 the amounts (total taxes less any credits or refunds) that would have  
21 been required to be paid with the returns pursuant to the provisions of  
22 this article and the provisions of article twenty-two of this chapter or  
23 the provisions of article nine-A of this chapter, whichever is applica-  
24 ble.

25 (3) Notwithstanding any other law to the contrary, the commissioner  
26 may require that all forms or returns pursuant to this article must be  
27 filed electronically and all payments of tax must be paid electron-  
28 ically.

1 (c) Liability for tax. An electing partnership or electing S corpo-  
2 ration shall be liable for the tax due pursuant to this article. In  
3 addition, every individual eligible to claim a credit pursuant to  
4 subsection (kkk) of section six hundred six of this chapter because he  
5 or she is a partner or member in an electing partnership or a sharehold-  
6 er in an electing S corporation shall be jointly and severally liable  
7 for the tax imposed pursuant to this article on such electing partner-  
8 ship or electing S corporation.

9 (d) Deposit and disposition of revenue. All taxes, interest, penal-  
10 ties, and fees collected or received by the commissioner pursuant to  
11 this article shall be deposited and disposed of pursuant to the  
12 provisions of section one hundred seventy-one-a of this chapter.

13 (e) Secrecy provision. All the provisions of paragraphs one and two of  
14 subsection (e) of section six hundred ninety-seven of this chapter will  
15 apply to the provisions of this article. Notwithstanding any provisions  
16 of this chapter to the contrary, the commissioner may disclose informa-  
17 tion and returns regarding the calculation and payment of the tax  
18 imposed by this article and any credit calculated on taxes paid pursuant  
19 to this article by an electing partnership or electing S corporation to  
20 a partner, member or shareholder of such entity.

21 § 2. Section 606 of the tax law is amended by adding a new subsection  
22 (kkk) to read as follows:

23 (kkk) Credit for pass-through entity tax. (1) A taxpayer partner or  
24 member of an electing partnership and a taxpayer shareholder of an  
25 electing S corporation subject to tax under article twenty-four-A of  
26 this chapter shall be entitled to a credit against the tax imposed by  
27 this article as provided in this subsection. For purposes of this  
28 subsection, the terms "electing partnership," "electing S corporation,"

1 and "pass-through entity tax" shall have the same meanings as used in  
2 article twenty-four-A of this chapter.

3 (2) The credit shall be equal to the product of:

4 (i) the taxpayer's profit percentage of the electing partnership or  
5 pro rata share of the electing S corporation;

6 (ii) ninety-two percent; and

7 (iii) the pass-through entity tax paid by the electing partnership or  
8 S corporation for the taxable year.

9 (3) If a taxpayer is a partner, member or shareholder in multiple  
10 electing partnerships and/or electing S corporations subject to tax  
11 pursuant to article twenty-four-A of this chapter, the taxpayer's credit  
12 shall be the sum of such credits calculated pursuant to paragraph two of  
13 this subsection with regard to each entity in which the taxpayer has a  
14 direct ownership interest.

15 (4) If the amount of the credit allowable pursuant to this subsection  
16 for any taxable year exceeds the tax due for such year pursuant to this  
17 article, the excess shall be treated as an overpayment, to be credited  
18 or refunded, without interest.

19 § 3. Section 620 of the tax law, as amended by chapter 2 of the laws  
20 of 1962, subsection (a) as amended and paragraph 3 of subsection (b) as  
21 added by chapter 274 of the laws of 1987, and subsection (d) as added by  
22 chapter 166 of 1991, is amended to read as follows:

23 § 620. Credit for income tax of another state. (a) General. A resident  
24 shall be allowed a credit against the tax otherwise due under this arti-  
25 cle for any income tax imposed on such individual for the taxable year  
26 by another state of the United States, a political subdivision of such  
27 state, the District of Columbia or a province of Canada, upon income  
28 both derived therefrom and subject to tax under this article. The term



1 "income tax imposed" in the previous sentence shall not include the  
2 portion of such tax (determined in the manner provided for in section  
3 six hundred twenty-A) which is imposed upon the ordinary income portion  
4 (or part thereof) of a lump sum distribution which is subject to the  
5 separate tax imposed by section [six hundred one-C] six hundred three.

6 (b) Pass-through entity taxes. (1) A resident shall be allowed a cred-  
7 it against the tax otherwise due pursuant to this article for any pass-  
8 through entity tax substantially similar to the tax imposed pursuant to  
9 article twenty-four-A of this chapter imposed on the income of a part-  
10 nership or S corporation of which the resident is a partner, member or  
11 shareholder for the taxable year by another state of the United States,  
12 a political subdivision of such state, or the District of Columbia upon  
13 income both derived therefrom and subject to tax under this article.

14 (2) Such credit shall be equal to the product of:

15 (A) the taxpayer's profit percentage of the electing partnership or  
16 pro rata share of the electing S corporation;

17 (B) ninety-two percent; and

18 (C) the pass-through entity tax paid by the electing partnership or S  
19 corporation to such other state, political subdivision of such other  
20 state or the District of Columbia.

21 (3) However, such credit will be allowed on tax paid only if:

22 (A) the state of the United States, political subdivision of such  
23 state, or the District of Columbia imposing such tax also imposes an  
24 income tax substantially similar to the tax imposed under this article;  
25 and

26 (B) in the case of taxes paid by an S corporation, such S corporation  
27 was treated as a New York S corporation.

1     (c) Limitations.     (1) The credit under this section shall not exceed  
2 the percentage of the tax otherwise due under this article determined by  
3 dividing the portion of the taxpayer's New York income subject to taxa-  
4 tion by such other jurisdiction by the total amount of the taxpayer's  
5 New York income.

6     (2) The credit under this section shall not reduce the tax otherwise  
7 due under this article to an amount less than would have been due if the  
8 income subject to taxation by such other jurisdiction were excluded from  
9 the taxpayer's New York income.

10    (3) In the case of a taxpayer who elects to claim the foreign tax  
11 credit for federal income tax purposes, the credit under this section  
12 for income tax imposed by a province of Canada shall be allowed for that  
13 portion of the provincial tax not claimed for federal purposes for the  
14 taxable year or a preceding taxable year, provided however, to the  
15 extent the provincial tax is claimed for federal purposes for a succeed-  
16 ing taxable year, the credit under this section must be added back in  
17 such succeeding taxable year. The provincial tax shall be deemed to be  
18 claimed last for federal income tax purposes and for purposes of this  
19 subsection.

20    [(c)] (d) Definition. For purposes of this section New York income  
21 means:

22    (1) the New York adjusted gross income of an individual, or

23    (2) the amount of the income of an estate or trust, determined as if  
24 the estate or trust were an individual computing his New York adjusted  
25 gross income under section six hundred twelve.

26    [(d) S corporation shareholders. In the case of a shareholder of an S  
27 corporation, the term "income tax" in subsection (a) of this section  
28 shall not include any such tax imposed upon or payable by the corpo-

1 ration, but shall include any such tax with respect to the income of the  
2 corporation imposed upon or payable by the shareholder, without regard  
3 to whether an election independent of the federal S election was  
4 required to effect such imposition upon the shareholder.]

5 § 4. Subdivision 1 of section 171-a of the tax law, as amended by  
6 section 3 of part XX of chapter 59 of the laws of 2019, is amended to  
7 read as follows:

8 1. All taxes, interest, penalties and fees collected or received by  
9 the commissioner or the commissioner's duly authorized agent under arti-  
10 cles nine (except section one hundred eighty-two-a thereof and except as  
11 otherwise provided in section two hundred five thereof), nine-A,  
12 twelve-A (except as otherwise provided in section two hundred eighty-  
13 four-d thereof), thirteen, thirteen-A (except as otherwise provided in  
14 section three hundred twelve thereof), eighteen, nineteen, twenty  
15 (except as otherwise provided in section four hundred eighty-two there-  
16 of), twenty-B, twenty-D, twenty-one, twenty-two, twenty-four, twenty-  
17 four-a, twenty-six, twenty-eight (except as otherwise provided in  
18 section eleven hundred two or eleven hundred three thereof),  
19 twenty-eight-A, twenty-nine-B, thirty-one (except as otherwise provided  
20 in section fourteen hundred twenty-one thereof), thirty-three and thir-  
21 ty-three-A of this chapter shall be deposited daily in one account with  
22 such responsible banks, banking houses or trust companies as may be  
23 designated by the comptroller, to the credit of the comptroller. Such an  
24 account may be established in one or more of such depositories. Such  
25 deposits shall be kept separate and apart from all other money in the  
26 possession of the comptroller. The comptroller shall require adequate  
27 security from all such depositories. Of the total revenue collected or  
28 received under such articles of this chapter, the comptroller shall

1 retain in the comptroller's hands such amount as the commissioner may  
2 determine to be necessary for refunds or reimbursements under such arti-  
3 cles of this chapter out of which amount the comptroller shall pay any  
4 refunds or reimbursements to which taxpayers shall be entitled under the  
5 provisions of such articles of this chapter. The commissioner and the  
6 comptroller shall maintain a system of accounts showing the amount of  
7 revenue collected or received from each of the taxes imposed by such  
8 articles. The comptroller, after reserving the amount to pay such  
9 refunds or reimbursements, shall, on or before the tenth day of each  
10 month, pay into the state treasury to the credit of the general fund all  
11 revenue deposited under this section during the preceding calendar month  
12 and remaining to the comptroller's credit on the last day of such  
13 preceding month, (i) except that the comptroller shall pay to the state  
14 department of social services that amount of overpayments of tax imposed  
15 by article twenty-two of this chapter and the interest on such amount  
16 which is certified to the comptroller by the commissioner as the amount  
17 to be credited against past-due support pursuant to subdivision six of  
18 section one hundred seventy-one-c of this article, (ii) and except that  
19 the comptroller shall pay to the New York state higher education  
20 services corporation and the state university of New York or the city  
21 university of New York respectively that amount of overpayments of tax  
22 imposed by article twenty-two of this chapter and the interest on such  
23 amount which is certified to the comptroller by the commissioner as the  
24 amount to be credited against the amount of defaults in repayment of  
25 guaranteed student loans and state university loans or city university  
26 loans pursuant to subdivision five of section one hundred seventy-one-d  
27 and subdivision six of section one hundred seventy-one-e of this arti-  
28 cle, (iii) and except further that, notwithstanding any law, the comp-

1 troller shall credit to the revenue arrearage account, pursuant to  
2 section ninety-one-a of the state finance law, that amount of overpay-  
3 ment of tax imposed by article nine, nine-A, twenty-two, thirty, thir-  
4 ty-A, thirty-B or thirty-three of this chapter, and any interest there-  
5 on, which is certified to the comptroller by the commissioner as the  
6 amount to be credited against a past-due legally enforceable debt owed  
7 to a state agency pursuant to paragraph (a) of subdivision six of  
8 section one hundred seventy-one-f of this article, provided, however, he  
9 shall credit to the special offset fiduciary account, pursuant to  
10 section ninety-one-c of the state finance law, any such amount credita-  
11 ble as a liability as set forth in paragraph (b) of subdivision six of  
12 section one hundred seventy-one-f of this article, (iv) and except  
13 further that the comptroller shall pay to the city of New York that  
14 amount of overpayment of tax imposed by article nine, nine-A, twenty-  
15 two, thirty, thirty-A, thirty-B or thirty-three of this chapter and any  
16 interest thereon that is certified to the comptroller by the commission-  
17 er as the amount to be credited against city of New York tax warrant  
18 judgment debt pursuant to section one hundred seventy-one-l of this  
19 article, (v) and except further that the comptroller shall pay to a  
20 non-obligated spouse that amount of overpayment of tax imposed by arti-  
21 cle twenty-two of this chapter and the interest on such amount which has  
22 been credited pursuant to section one hundred seventy-one-c, one hundred  
23 seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or  
24 one hundred seventy-one-l of this article and which is certified to the  
25 comptroller by the commissioner as the amount due such non-obligated  
26 spouse pursuant to paragraph six of subsection (b) of section six  
27 hundred fifty-one of this chapter; and (vi) the comptroller shall deduct  
28 a like amount which the comptroller shall pay into the treasury to the

1 credit of the general fund from amounts subsequently payable to the  
2 department of social services, the state university of New York, the  
3 city university of New York, or the higher education services corpo-  
4 ration, or the revenue arrearage account or special offset fiduciary  
5 account pursuant to section ninety-one-a or ninety-one-c of the state  
6 finance law, as the case may be, whichever had been credited the amount  
7 originally withheld from such overpayment, and (vii) with respect to  
8 amounts originally withheld from such overpayment pursuant to section  
9 one hundred seventy-one-1 of this article and paid to the city of New  
10 York, the comptroller shall collect a like amount from the city of New  
11 York.

12 § 5. Subdivision 1 of section 171-a of the tax law, as amended by  
13 section 4 of part XX of chapter 59 of the laws of 2019, is amended to  
14 read as follows:

15 1. All taxes, interest, penalties and fees collected or received by  
16 the commissioner or the commissioner's duly authorized agent under arti-  
17 cles nine (except section one hundred eighty-two-a thereof and except as  
18 otherwise provided in section two hundred five thereof), nine-A,  
19 twelve-A (except as otherwise provided in section two hundred eighty-  
20 four-d thereof), thirteen, thirteen-A (except as otherwise provided in  
21 section three hundred twelve thereof), eighteen, nineteen, twenty  
22 (except as otherwise provided in section four hundred eighty-two there-  
23 of), twenty-D, twenty-one, twenty-two, twenty-four, twenty-four-a, twen-  
24 ty-six, twenty-eight (except as otherwise provided in section eleven  
25 hundred two or eleven hundred three thereof), twenty-eight-A, twenty-  
26 nine-B, thirty-one (except as otherwise provided in section fourteen  
27 hundred twenty-one thereof), thirty-three and thirty-three-A of this  
28 chapter shall be deposited daily in one account with such responsible

1 banks, banking houses or trust companies as may be designated by the  
2 comptroller, to the credit of the comptroller. Such an account may be  
3 established in one or more of such depositories. Such deposits shall be  
4 kept separate and apart from all other money in the possession of the  
5 comptroller. The comptroller shall require adequate security from all  
6 such depositories. Of the total revenue collected or received under such  
7 articles of this chapter, the comptroller shall retain in the comp-  
8 troller's hands such amount as the commissioner may determine to be  
9 necessary for refunds or reimbursements under such articles of this  
10 chapter out of which amount the comptroller shall pay any refunds or  
11 reimbursements to which taxpayers shall be entitled under the provisions  
12 of such articles of this chapter. The commissioner and the comptroller  
13 shall maintain a system of accounts showing the amount of revenue  
14 collected or received from each of the taxes imposed by such articles.  
15 The comptroller, after reserving the amount to pay such refunds or  
16 reimbursements, shall, on or before the tenth day of each month, pay  
17 into the state treasury to the credit of the general fund all revenue  
18 deposited under this section during the preceding calendar month and  
19 remaining to the comptroller's credit on the last day of such preceding  
20 month, (i) except that the comptroller shall pay to the state department  
21 of social services that amount of overpayments of tax imposed by article  
22 twenty-two of this chapter and the interest on such amount which is  
23 certified to the comptroller by the commissioner as the amount to be  
24 credited against past-due support pursuant to subdivision six of section  
25 one hundred seventy-one-c of this article, (ii) and except that the  
26 comptroller shall pay to the New York state higher education services  
27 corporation and the state university of New York or the city university  
28 of New York respectively that amount of overpayments of tax imposed by

1 article twenty-two of this chapter and the interest on such amount which  
2 is certified to the comptroller by the commissioner as the amount to be  
3 credited against the amount of defaults in repayment of guaranteed  
4 student loans and state university loans or city university loans pursu-  
5 ant to subdivision five of section one hundred seventy-one-d and subdivi-  
6 sion six of section one hundred seventy-one-e of this article, (iii)  
7 and except further that, notwithstanding any law, the comptroller shall  
8 credit to the revenue arrearage account, pursuant to section  
9 ninety-one-a of the state finance law, that amount of overpayment of tax  
10 imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B  
11 or thirty-three of this chapter, and any interest thereon, which is  
12 certified to the comptroller by the commissioner as the amount to be  
13 credited against a past-due legally enforceable debt owed to a state  
14 agency pursuant to paragraph (a) of subdivision six of section one  
15 hundred seventy-one-f of this article, provided, however, he shall cred-  
16 it to the special offset fiduciary account, pursuant to section ninety-  
17 one-c of the state finance law, any such amount creditable as a liabil-  
18 ity as set forth in paragraph (b) of subdivision six of section one  
19 hundred seventy-one-f of this article, (iv) and except further that the  
20 comptroller shall pay to the city of New York that amount of overpayment  
21 of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A,  
22 thirty-B or thirty-three of this chapter and any interest thereon that  
23 is certified to the comptroller by the commissioner as the amount to be  
24 credited against city of New York tax warrant judgment debt pursuant to  
25 section one hundred seventy-one-l of this article, (v) and except  
26 further that the comptroller shall pay to a non-obligated spouse that  
27 amount of overpayment of tax imposed by article twenty-two of this chap-  
28 ter and the interest on such amount which has been credited pursuant to



1 section one hundred seventy-one-c, one hundred seventy-one-d, one  
2 hundred seventy-one-e, one hundred seventy-one-f or one hundred seven-  
3 ty-one-1 of this article and which is certified to the comptroller by  
4 the commissioner as the amount due such non-obligated spouse pursuant to  
5 paragraph six of subsection (b) of section six hundred fifty-one of this  
6 chapter; and (vi) the comptroller shall deduct a like amount which the  
7 comptroller shall pay into the treasury to the credit of the general  
8 fund from amounts subsequently payable to the department of social  
9 services, the state university of New York, the city university of New  
10 York, or the higher education services corporation, or the revenue  
11 arrearage account or special offset fiduciary account pursuant to  
12 section ninety-one-a or ninety-one-c of the state finance law, as the  
13 case may be, whichever had been credited the amount originally withheld  
14 from such overpayment, and (vii) with respect to amounts originally  
15 withheld from such overpayment pursuant to section one hundred seventy-  
16 one-1 of this article and paid to the city of New York, the comptroller  
17 shall collect a like amount from the city of New York.

18 § 6. Subdivisions 2, 3 and paragraph (a) of subdivision 5 of section  
19 92-z of the state finance law, as amended by section 5 of part MM of  
20 chapter 59 of the laws of 2018, are amended to read as follows:

21 2. Such fund shall consist of (a) fifty percent of receipts from the  
22 imposition of personal income taxes pursuant to article twenty-two of  
23 the tax law, less such amounts as the commissioner of taxation and  
24 finance may determine to be necessary for refunds, [and] (b) fifty  
25 percent of receipts from the imposition of employer compensation expense  
26 taxes pursuant to article twenty-four of the tax law, less such amounts  
27 as the commissioner of taxation and finance may determine to be neces-  
28 sary for refunds, and (c) fifty percent of receipts from the imposition

1 of the pass-through entity taxes pursuant to article twenty-four-A of  
2 the tax law, less such amounts as the commission of taxation and finance  
3 may determine to be necessary for refunds.

4 3. (a) Beginning on the first day of each month, the comptroller shall  
5 deposit all of the receipts collected pursuant to section six hundred  
6 seventy-one of the tax law in the revenue bond tax fund until the amount  
7 of monthly receipts anticipated to be deposited pursuant to the certif-  
8 icate required in paragraph (b) of subdivision five of this section are  
9 met. On or before the twelfth day of each month, the commissioner of  
10 taxation and finance shall certify to the state comptroller the amounts  
11 specified in paragraph (a) of subdivision two of this section relating  
12 to the preceding month and, in addition, no later than March thirty-  
13 first of each fiscal year the commissioner of taxation and finance shall  
14 certify such amounts relating to the last month of such fiscal year. The  
15 amounts so certified shall be deposited by the state comptroller in the  
16 revenue bond tax fund.

17 (b) Beginning on the first day of each month, the comptroller shall  
18 deposit all of the receipts collected pursuant to section eight hundred  
19 fifty-four of the tax law in the revenue bond tax fund until the amount  
20 of monthly receipts anticipated to be deposited pursuant to the certif-  
21 icate required in paragraph (b) of subdivision five of this section are  
22 met. On or before the twelfth day of each month, the commissioner of  
23 taxation and finance shall certify to the state comptroller the amounts  
24 specified in paragraph (b) of subdivision two of this section relating  
25 to the preceding month and, in addition, no later than March thirty-  
26 first of each fiscal year the commissioner of taxation and finance shall  
27 certify such amounts relating to the last month of such fiscal year. The

1 amounts so certified shall be deposited by the state comptroller in the  
2 revenue bond tax fund.

3 (c) Beginning on the first day of each month, the comptroller shall  
4 deposit all of the receipts collected pursuant to sections eight hundred  
5 sixty-four and eight hundred sixty-five of the tax law in the revenue  
6 bond tax fund until the amount of monthly receipts anticipated to be  
7 deposited pursuant to the certificate required in paragraph (b) of  
8 subdivision five of this section are met. On or before the twelfth day  
9 of each month, the commissioner of taxation and finance shall certify to  
10 the state comptroller the amounts specified in paragraph (c) of subdivi-  
11 sion two of this section relating to the preceding month and, in addi-  
12 tion, no later than March thirty-first of each fiscal year the commis-  
13 sioner of taxation and finance shall certify such amounts relating to  
14 the last month of such fiscal year. The amounts so certified shall be  
15 deposited by the state comptroller in the revenue bond tax fund.

16 (a) The state comptroller shall from time to time, but in no event  
17 later than the fifteenth day of each month (other than the last month of  
18 the fiscal year) and no later than the thirty-first day of the last  
19 month of each fiscal year, pay over and distribute to the credit of the  
20 general fund of the state treasury all moneys in the revenue bond tax  
21 fund, if any, in excess of the aggregate amount required to be set aside  
22 for the payment of cash requirements pursuant to paragraph (b) of this  
23 subdivision, provided that an appropriation has been made to pay all  
24 amounts specified in any certificate or certificates delivered by the  
25 director of the budget pursuant to paragraph (b) of this subdivision as  
26 being required by each authorized issuer as such term is defined in  
27 section sixty-eight-a of this chapter for the payment of cash require-  
28 ments of such issuers for such fiscal year. Subject to the rights of

1 holders of debt of the state, in no event shall the state comptroller  
2 pay over and distribute any moneys on deposit in the revenue bond tax  
3 fund to any person other than an authorized issuer pursuant to such  
4 certificate or certificates (i) unless and until the aggregate of all  
5 cash requirements certified to the state comptroller as required by such  
6 authorized issuers to be set aside pursuant to paragraph (b) of this  
7 subdivision for such fiscal year shall have been appropriated to such  
8 authorized issuers in accordance with the schedule specified in the  
9 certificate or certificates filed by the director of the budget or (ii)  
10 if, after having been so certified and appropriated, any payment  
11 required to be made pursuant to paragraph (b) of this subdivision has  
12 not been made to the authorized issuers which was required to have been  
13 made pursuant to such certificate or certificates; provided, however,  
14 that no person, including such authorized issuers or the holders of  
15 revenue bonds, shall have any lien on moneys on deposit in the revenue  
16 bond tax fund. Any agreement entered into pursuant to section sixty-  
17 eight-c of this chapter related to any payment authorized by this  
18 section shall be executory only to the extent of such revenues available  
19 to the state in such fund. Notwithstanding subdivisions two and three of  
20 this section, in the event the aggregate of all cash requirements certi-  
21 fied to the state comptroller as required by such authorized issuers to  
22 be set aside pursuant to paragraph (b) of this subdivision for the  
23 fiscal year beginning on April first shall not have been appropriated to  
24 such authorized issuers in accordance with the schedule specified in the  
25 certificate or certificates filed by the director of the budget or, (ii)  
26 if, having been so certified and appropriated, any payment required to  
27 be made pursuant to paragraph (b) of this subdivision has not been made  
28 pursuant to such certificate or certificates, all receipts collected

1 pursuant to section six hundred seventy-one of the tax law, [and]  
2 section eight hundred fifty-four of the tax law, section eight hundred  
3 sixty-four of the tax law, and section eight hundred sixty-five of the  
4 tax law shall be deposited in the revenue bond tax fund until the great-  
5 er of forty percent of the aggregate of the receipts from the imposition  
6 of (A) the personal income tax imposed by article twenty-two of the tax  
7 law, [and] (B) the employer compensation expense tax imposed by article  
8 twenty-four of the tax law, and (C) the pass-through entity tax imposed  
9 by article twenty-four-A of the tax law for the fiscal year beginning on  
10 April first and as specified in the certificate or certificates filed by  
11 the director of the budget pursuant to this paragraph or a total of  
12 twelve billion dollars has been deposited in the revenue bond tax fund.  
13 Notwithstanding any other provision of law, if the state has appropri-  
14 ated and paid to the authorized issuers the amounts necessary for the  
15 authorized issuers to meet their requirements for the current fiscal  
16 year pursuant to the certificate or certificates submitted by the direc-  
17 tor of the budget pursuant to paragraph (b) of this section, the state  
18 comptroller shall, on the last day of each fiscal year, pay to the  
19 general fund of the state all sums remaining in the revenue bond tax  
20 fund on such date except such amounts as the director of the budget may  
21 certify are needed to meet the cash requirements of authorized issuers  
22 during the subsequent fiscal year.

23 § 7. Subdivision 5 of section 68-c of the state finance law, as  
24 amended by section 6 of part MM of chapter 59 of the laws of 2018, is  
25 amended to read as follows:

26 5. Nothing contained in this article shall be deemed to restrict the  
27 right of the state to amend, repeal, modify or otherwise alter statutes  
28 imposing or relating to the taxes imposed pursuant to article

1 twenty-two, [and] article twenty-four, and article twenty-four-A of the  
2 tax law. The authorized issuers shall not include within any resolution,  
3 contract or agreement with holders of the revenue bonds issued under  
4 this article any provision which provides that a default occurs as a  
5 result of the state exercising its right to amend, repeal, modify or  
6 otherwise alter the taxes imposed pursuant to article twenty-two, [and]  
7 article twenty-four, and article twenty-four-A of the tax law.

8 § 8. This act shall take effect immediately and shall apply to all  
9 taxable years beginning on or after January 1, 2022; provided, however,  
10 that the amendments to subdivision 1 of section 171-a of the tax law  
11 made by section four of this act shall not affect the expiration of such  
12 subdivision and shall expire therewith, when upon such date the  
13 provisions of section five of this act shall take effect.

14 PART D

15 Section 1. Section 352 of the economic development law is amended by  
16 adding two new subdivisions 5-a and 13-a to read as follows:

17 5-a. "Child care services" means those services undertaken or spon-  
18 sored by a participant in this program meeting the requirements of  
19 "child day care" as defined in paragraph (a) of subdivision one of  
20 section three hundred ninety of the social services law or any child  
21 care services in the city of New York whereby a permit to operate such  
22 child care services is required pursuant to the health code of the city  
23 of New York.

24 13-a. "Net new child care services expenditures" means the calculation  
25 of new, annual participant expenditures on child care services whether  
26 internal or provided by a third party (including coverage for full or

1 partial discount of employee rates), minus any revenues received by the  
2 participant through a third-party operator (i.e. rent paid to the  
3 participant by the child care provider) or employees and may be further  
4 defined by the commissioner in regulations. For the purposes of this  
5 definition, expenditures for child care services that a participant has  
6 incurred prior to admission to this program shall not be eligible for  
7 the credit.

8 § 2. Paragraphs (k) and (l) of subdivision 1 of section 353 of the  
9 economic development law, as amended by section 2 of part L of chapter  
10 59 of the laws of 2020, are amended and a new paragraph (m) is added to  
11 read as follows:

12 (k) as a life sciences company; [or]

13 (l) as a company operating in one of the industries listed in para-  
14 graphs (b) through (e) of this subdivision and engaging in a green  
15 project as defined in section three hundred fifty-two of this  
16 article[.]; or

17 (m) as a participant operating in one of the industries listed in  
18 paragraphs (a) through (k) of this subdivision and operating or sponsor-  
19 ing child care services to its employees as defined in section three  
20 hundred fifty-two of this article.

21 § 3. Subdivisions 2 and 6 of section 355 of the economic development  
22 law, subdivision 2 as amended by section 4 of part L of chapter 59 of  
23 the laws of 2020 and subdivision 6 as amended by section 4 of part K of  
24 chapter 59 of the laws of 2015, are amended and a new subdivision 2-a is  
25 added to read as follows:

26 2. Excelsior investment tax credit component. A participant in the  
27 excelsior jobs program shall be eligible to claim a credit on qualified  
28 investments. In a project that is not a green project, the credit shall

1 be equal to two percent of the cost or other basis for federal income  
2 tax purposes of the qualified investment. In a green project, the credit  
3 shall be equal to five percent of the cost or other basis for federal  
4 income tax purposes of the qualified investment. In a project for child  
5 care services, the credit shall be equal to five percent of the cost or  
6 other basis for federal income tax purposes of the qualified investment  
7 in child care services. A participant may not claim both the excelsior  
8 investment tax credit component and the investment tax credit set forth  
9 in subdivision one of section two hundred ten-B, subsection (a) of  
10 section six hundred six, the former subsection (i) of section fourteen  
11 hundred fifty-six, or subdivision (q) of section fifteen hundred eleven  
12 of the tax law for the same property in any taxable year, except that a  
13 participant may claim both the excelsior investment tax credit component  
14 and the investment tax credit for research and development property. In  
15 addition, a taxpayer who or which is qualified to claim the excelsior  
16 investment tax credit component and is also qualified to claim the  
17 brownfield tangible property credit component under section twenty-one  
18 of the tax law may claim either the excelsior investment tax credit  
19 component or such tangible property credit component, but not both with  
20 regard to a particular piece of property. A credit may not be claimed  
21 until a business enterprise has received a certificate of tax credit,  
22 provided that qualified investments made on or after the issuance of the  
23 certificate of eligibility but before the issuance of the certificate of  
24 tax credit to the business enterprise, may be claimed in the first taxa-  
25 ble year for which the business enterprise is allowed to claim the cred-  
26 it. Expenses incurred prior to the date the certificate of eligibility  
27 is issued are not eligible to be included in the calculation of the  
28 credit.



1 2-a. Excelsior child care services tax credit component. A participant  
2 engaging in a new excelsior jobs program project shall be eligible to  
3 claim a credit on its net new child care services expenditures for its  
4 operation, sponsorship or direct financial support of a child care  
5 services program. The credit shall be equal to six percent of the net  
6 new child care services expenditures as defined in this chapter.

7 6. Claim of tax credit. The business enterprise shall be allowed to  
8 claim the credit as prescribed in section thirty-one of the tax law. No  
9 costs used by an entertainment company as the basis for the allowance of  
10 a tax credit described in this section shall be used by such enter-  
11 tainment company to claim any other credit allowed pursuant to the tax  
12 law. No costs or expenditures for child care services used by a partic-  
13 ipant to claim the credit as prescribed in section forty-four of the tax  
14 law shall be used for the allowance of a tax credit described in this  
15 section.

16 § 4. Subdivision (a) of section 31 of the tax law is amended by adding  
17 a new paragraph 2-a to read as follows:

18 (2-a) the excelsior child care services tax credit component;

19 § 5. Subdivision (a) of section 44 of the tax law, as added by section  
20 1 of part L of chapter 59 of the laws of 2019, is amended to read as  
21 follows:

22 (a) General. A taxpayer subject to tax under article nine-A, twenty-  
23 two, or thirty-three of this chapter shall be allowed a credit against  
24 such tax in an amount equal to two hundred percent of the portion of the  
25 credit that is allowed to the taxpayer under section 45F of the internal  
26 revenue code that is attributable to (i) qualified child care expendi-  
27 tures paid or incurred with respect to a qualified child care facility  
28 with a situs in the state, and to (ii) qualified child care resource and

1 referral expenditures paid or incurred with respect to the taxpayer's  
2 employees working in the state. The credit allowable under this subdivi-  
3 sion for any taxable year shall not exceed [one hundred fifty] five  
4 hundred thousand dollars. If the entity operating the qualified child  
5 care facility is a partnership or a New York S corporation, then such  
6 cap shall be applied at the entity level, so the aggregate credit  
7 allowed to all the partners or shareholders of such entity in a taxable  
8 year does not exceed [one hundred fifty] five hundred thousand dollars.

9 § 6. This act shall take effect immediately; provided, however,  
10 section five of this act shall apply to taxable years beginning on or  
11 after January 1, 2022.

12 PART E

13 Section 1. Paragraph (b) of subdivision 2 of section 184 of the tax  
14 law, as added by chapter 485 of the laws of 1988, is amended to read as  
15 follows:

16 (b) (1) A corporation classed as a "taxicab" or "omnibus",

17 (i) which is organized, incorporated or formed under the laws of any  
18 other state, country or sovereignty, and

19 (ii) which neither owns nor leases property in this state in a corpo-  
20 rate or organized capacity, nor

21 (iii) maintains an office in this state in a corporate or organized  
22 capacity, but

23 (iv) which is doing business or employing capital in this state by  
24 conducting at least one but fewer than twelve trips into this state  
25 during the calendar year, shall [annually pay a tax equal to fifteen  
26 dollars for each trip conducted into this state] not be taxed under the

1 provisions of this article. If the only property a corporation owns or  
2 leases in this state is a vehicle or vehicles used to conduct trips, it  
3 shall not be considered, for purposes of clause (ii) of this subpara-  
4 graph, to be owning or leasing property in this state.

5 (2) [The commissioner of taxation and finance may prescribe such forms  
6 as he may deem necessary to report such tax in a simplified manner.

7 (3)] For purposes of this subdivision, a corporation classed as a  
8 "taxicab" or "omnibus" shall be considered to be conducting a trip into  
9 New York state when one of its vehicles enters New York state and trans-  
10 ports passengers to, from, or to and from a location in New York state.  
11 A corporation shall not be considered to be conducting a trip into New  
12 York state if its vehicle only makes incidental stops at locations in  
13 the state while in transit from a location outside New York state to  
14 another location outside New York state. The number of trips a corpo-  
15 ration conducts into New York state shall be calculated by determining  
16 the number of trips each vehicle owned, leased or operated by the corpo-  
17 ration conducts into New York state and adding those numbers together.

18 [(4) Provided, however, that the provisions of this paragraph shall  
19 not apply to any corporation which does not file its franchise tax  
20 report in a timely manner (determined with regard to any extension of  
21 time for filing).]

22 § 2. Subdivision 1-A of section 208 of the tax law, as amended by  
23 section 4 of part A of chapter 59 of the laws of 2014, is amended to  
24 read as follows:

25 1-A. The term "New York S corporation" means, with respect to any  
26 taxable year, a corporation subject to tax under this article [for which  
27 an election is in effect pursuant to] and described in paragraph (i) or  
28 (ii) of subsection (a) of section six hundred sixty of this chapter [for

1 such year], and any such year shall be denominated a "New York S year" [,  
2 and such election shall be denominated a "New York S election" ]. The  
3 term "New York C corporation" means, with respect to any taxable year, a  
4 corporation subject to tax under this article which is not a New York S  
5 corporation, and any such year shall be denominated a "New York C year".  
6 The term "termination year" means any taxable year of a corporation  
7 during which the corporation's status as a New York S [election] corpo-  
8 ration terminates on a day other than the first day of such year. The  
9 portion of the taxable year ending before the first day for which such  
10 termination is effective shall be denominated the "S short year", and  
11 the portion of such year beginning on such first day shall be denomi-  
12 nated the "C short year". The term "New York S termination year" means  
13 any termination year which is [not] also an S termination year for  
14 federal purposes.

15 § 3. Subdivision 1-B and subparagraph (ii) of the opening paragraph  
16 and paragraph (k) of subdivision 9 of section 208 of the tax law are  
17 REPEALED.

18 § 4. Subparagraph (A) and the opening paragraph of subparagraph (B) of  
19 paragraph 5 of subdivision (a) of section 292 of the tax law, as added  
20 by section 48 of part A of chapter 389 of the laws of 1997, are amended  
21 to read as follows:

22 (A) In the case of a shareholder of an S corporation,

23 (i) [where the election provided for in] subject to subsection (a) of  
24 section six hundred sixty of this chapter [is in effect with respect to  
25 such corporation], there shall be added to federal unrelated business  
26 taxable income an amount equal to the shareholder's pro rata share of  
27 the corporation's reductions for taxes described in paragraphs two and

1 three of subsection (f) of section thirteen hundred sixty-six of the  
2 internal revenue code, and

3 (ii) [where such election has not been made with respect to such  
4 corporation, there shall be subtracted from federal unrelated business  
5 taxable income any items of income of the corporation included therein,  
6 and there shall be added to federal unrelated business taxable income  
7 any items of loss or deduction included therein, and

8 (iii)] in the case of a New York S termination year, the amount of any  
9 such items of S corporation income, loss, deduction and reductions for  
10 taxes shall be adjusted in the manner provided in paragraph two or three  
11 of subsection (s) of section six hundred twelve of this chapter.

12 In the case of a shareholder of a corporation which was, for any of  
13 its taxable years beginning after nineteen hundred ninety-seven and  
14 before two thousand twenty-two, a federal S corporation but a New York C  
15 corporation:

16 § 5. Paragraph 18 of subsection (b) of section 612 of the tax law, as  
17 amended by chapter 606 of the laws of 1984, subparagraph (A) as amended  
18 by chapter 28 of the laws of 1987 and subparagraph (B) as amended by  
19 chapter 190 of the laws of 1990, is amended to read as follows:

20 (18) In the case of a shareholder of an S corporation as described in  
21 subsection (a) of section six hundred sixty

22 (A) [where the election provided for in subsection (a) of section six  
23 hundred sixty is in effect with respect to such corporation,] an amount  
24 equal to his or her pro rata share of the corporation's reductions for  
25 taxes described in paragraphs two and three of subsection (f) of section  
26 thirteen hundred sixty-six of the internal revenue code, and

1 (B) in the case of a New York S termination year, subparagraph (A) of  
2 this paragraph shall apply to the amount of reductions for taxes deter-  
3 mined under subsection (s) of this section.

4 § 6. Paragraph 19 of subsection (b) of section 612 of the tax law is  
5 REPEALED.

6 § 7. Paragraphs 20 and 21 of subsection (b) of section 612 of the tax  
7 law, paragraph 20 as amended by chapter 606 of the laws of 1984 and  
8 paragraph 21 as amended by section 70 of part A of chapter 59 of the  
9 laws of 2014, are amended to read as follows:

10 (20) S corporation distributions to the extent not included in federal  
11 gross income for the taxable year because of the application of section  
12 thirteen hundred sixty-eight, subsection (e) of section thirteen hundred  
13 seventy-one or subsection (c) of section thirteen hundred seventy-nine  
14 of the internal revenue code which represent income not previously  
15 subject to tax under this article because the election provided for in  
16 subsection (a) of section six hundred sixty in effect for taxable years  
17 beginning before January first, two thousand twenty-two had not been  
18 made. Any such distribution treated in the manner described in paragraph  
19 two of subsection (b) of section thirteen hundred sixty-eight of the  
20 internal revenue code for federal income tax purposes shall be treated  
21 as ordinary income for purposes of this article.

22 (21) In relation to the disposition of stock or indebtedness of a  
23 corporation which elected under subchapter s of chapter one of the  
24 internal revenue code for any taxable year of such corporation begin-  
25 ning, in the case of a corporation taxable under article nine-A of this  
26 chapter, after December thirty-first, nineteen hundred eighty and before  
27 January first, two thousand twenty-two, the amount required to be added

1 to federal adjusted gross income pursuant to subsection (n) of this  
2 section.

3 § 8. Paragraph 21 of subsection (c) of section 612 of the tax law, as  
4 amended by section 70 of part A of chapter 59 of the laws of 2014, is  
5 amended to read as follows:

6 (21) In relation to the disposition of stock or indebtedness of a  
7 corporation which elected under subchapter s of chapter one of the  
8 internal revenue code for any taxable year of such corporation begin-  
9 ning, in the case of a corporation taxable under article nine-A of this  
10 chapter, after December thirty-first, nineteen hundred eighty and before  
11 January first, two thousand twenty-two, the amounts required to be  
12 subtracted from federal adjusted gross income pursuant to subsection (n)  
13 of this section.

14 § 9. Paragraph 22 of subsection (c) of section 612 of the tax law is  
15 REPEALED.

16 § 10. Subsection (e) of section 612 of the tax law, as amended by  
17 chapter 166 of the laws of 1991, paragraph 3 as added by chapter 760 of  
18 the laws of 1992, is amended to read as follows:

19 (e) Modifications of partners and shareholders of S corporations. (1)  
20 Partners and shareholders of S corporations [which are not New York C  
21 corporations]. The amounts of modifications required to be made under  
22 this section by a partner or by a shareholder of an S corporation  
23 [(other than an S corporation which is a New York C corporation)], which  
24 relate to partnership or S corporation items of income, gain, loss or  
25 deduction shall be determined under section six hundred seventeen and,  
26 in the case of a partner of a partnership doing an insurance business as  
27 a member of the New York insurance exchange described in section six

1 thousand two hundred one of the insurance law, under section six hundred  
2 seventeen-a of this article.

3 (2) [Shareholders of S corporations which are New York C corporations.  
4 In the case of a shareholder of an S corporation which is a New York C  
5 corporation, the modifications under this section which relate to the  
6 corporation's items of income, loss and deduction shall not apply,  
7 except for the modifications provided under paragraph nineteen of  
8 subsection (b) and paragraph twenty-two of subsection (c) of this  
9 section.

10 (3)] New York S termination year. In the case of a New York S termi-  
11 nation year, the amounts of the modifications required under this  
12 section which relate to the S corporation's items of income, loss,  
13 deduction and reductions for taxes (as described in paragraphs two and  
14 three of subsection (f) of section thirteen hundred sixty-six of the  
15 internal revenue code) shall be adjusted in the same manner that the S  
16 corporation's items are adjusted under subsection (s) of section six  
17 hundred twelve.

18 § 11. Subsection (n) of section 612 of the tax law, as amended by  
19 section 61 of part A of chapter 389 of the laws of 1997, is amended to  
20 read as follows:

21 (n) Where gain or loss is recognized for federal income tax purposes  
22 upon the disposition of stock or indebtedness of a corporation electing  
23 under subchapter s of chapter one of the internal revenue code

24 (1) There shall be added to federal adjusted gross income the amount  
25 of increase in basis with respect to such stock or indebtedness pursuant  
26 to subsection (a) of section thirteen hundred seventy-six of the inter-  
27 nal revenue code as such section was in effect for taxable years begin-  
28 ning before January first, nineteen hundred eighty-three and subpara-



1 graphs (A) and (B) of paragraph one of subsection (a) of section  
2 thirteen hundred sixty-seven of such code, for each taxable year of the  
3 corporation beginning, in the case of a corporation taxable under arti-  
4 cle nine-A of this chapter, after December thirty-first, nineteen  
5 hundred eighty and before January first, two thousand twenty-two, and in  
6 the case of a corporation taxable under former article thirty-two of  
7 this chapter, after December thirty-first, nineteen hundred ninety-six  
8 and before January first, two thousand fifteen, for which the election  
9 provided for in subsection (a) of section six hundred sixty of this  
10 article was not in effect, and

11 (2) There shall be subtracted from federal adjusted gross income

12 (A) the amount of reduction in basis with respect to such stock or  
13 indebtedness pursuant to subsection (b) of section thirteen hundred  
14 seventy-six of the internal revenue code as such section was in effect  
15 for taxable years beginning before January first, nineteen hundred  
16 eighty-three and subparagraphs (B) and (C) of paragraph two of  
17 subsection (a) of section thirteen hundred sixty-seven of such code, for  
18 each taxable year of the corporation beginning, in the case of a corpo-  
19 ration taxable under article nine-A of this chapter, after December  
20 thirty-first, nineteen hundred eighty and before January first, two  
21 thousand twenty-two, and in the case of a corporation taxable under  
22 former article thirty-two of this chapter, after December thirty-first,  
23 nineteen hundred ninety-six and before January first, two thousand  
24 fifteen, for which the election provided for in subsection (a) of  
25 section six hundred sixty of this article was not in effect and

26 (B) the amount of any modifications to federal gross income with  
27 respect to such stock pursuant to paragraph twenty of subsection (b) of  
28 this section.

1 § 12. Paragraph 6 of subsection (c) of section 615 of the tax law is  
2 REPEALED.

3 § 13. Subsection (e) of section 615 of the tax law, as amended by  
4 chapter 760 of the laws of 1992, is amended to read as follows:

5 (e) Modifications of partners and shareholders of S corporations. (1)  
6 Partners and shareholders of S corporations [which are not New York C  
7 corporations]. The amounts of modifications under subsection (c) or  
8 under paragraph (2) or (3) of subsection (d) required to be made by a  
9 partner or by a shareholder of an S corporation [(other than an S corpo-  
10 ration which is a New York C corporation)], with respect to items of  
11 deduction of a partnership or S corporation shall be determined under  
12 section six hundred seventeen.

13 (2) [Shareholders of S corporations which are New York C corporations.  
14 In the case of a shareholder of an S corporation which is a New York C  
15 corporation, the modifications under this section which relate to the  
16 corporation's items of deduction shall not apply, except for the modifi-  
17 cation provided under paragraph six of subsection (c).

18 (3)] New York S termination year. In the case of a New York S termi-  
19 nation year, the amounts of the modifications required under this  
20 section which relate to the S corporation's items of deduction shall be  
21 adjusted in the same manner that the S corporation's items are adjusted  
22 under subsection (s) of section six hundred twelve.

23 § 14. Subsection (a) of section 617 of the tax law, as amended by  
24 chapter 190 of the laws of 1990, is amended to read as follows:

25 (a) Partner's and shareholder's modifications. In determining New York  
26 adjusted gross income and New York taxable income of a resident partner  
27 or a resident shareholder of an S corporation [(other than an S corpo-  
28 ration which is a New York C corporation)], any modification described

1 in subsections (b), (c) or (d) of section six hundred twelve, subsection  
2 (c) of section six hundred fifteen or paragraphs (2) or (3) of  
3 subsection (d) of such section, which relates to an item of partnership  
4 or S corporation income, gain, loss or deduction shall be made in  
5 accordance with the partner's distributive share or the shareholder's  
6 pro rata share, for federal income tax purposes, of the item to which  
7 the modification relates. Where a partner's distributive share or a  
8 shareholder's pro rata share of any such item is not required to be  
9 taken into account separately for federal income tax purposes, the part-  
10 ner's or shareholder's share of such item shall be determined in accord-  
11 ance with his or her share, for federal income tax purposes, of partner-  
12 ship or S corporation taxable income or loss generally. In the case of a  
13 New York S termination year, his or her pro rata share of any such item  
14 shall be determined under subsection (s) of section six hundred twelve.

15 § 15. Subparagraph (E-1) of paragraph 1 of subsection (b) of section  
16 631 of the tax law, as added by section 3 of part C of chapter 57 of the  
17 laws of 2010, is amended to read as follows:

18 (E-1) in the case of an S corporation [for which an election is in  
19 effect pursuant] subject to subsection (a) of section six hundred sixty  
20 of this article that terminates its taxable status in New York, any  
21 income or gain recognized on the receipt of payments from an installment  
22 sale contract entered into when the S corporation was subject to tax in  
23 New York, allocated in a manner consistent with the applicable methods  
24 and rules for allocation under article nine-A or former article thirty-  
25 two of this chapter, in the year that the S corporation sold its assets.

26 § 16. The section heading and paragraph 2 of subsection (a) of section  
27 632 of the tax law, the section heading as amended by chapter 606 of the  
28 laws of 1984, and paragraph 2 of subsection (a) as amended by section 71

1 of part A of chapter 59 of the laws of 2014, are amended to read as  
2 follows:

3 Nonresident partners and [electing] shareholders of S corporations.

4 (2) In determining New York source income of a nonresident shareholder  
5 of an S corporation [where the election provided for in] subject to  
6 subsection (a) of section six hundred sixty of this article [is in  
7 effect], there shall be included only the portion derived from or  
8 connected with New York sources of such shareholder's pro rata share of  
9 items of S corporation income, loss and deduction entering into his or  
10 her federal adjusted gross income, increased by reductions for taxes  
11 described in paragraphs two and three of subsection (f) of section thir-  
12 teen hundred sixty-six of the internal revenue code, as such portion  
13 shall be determined under regulations of the commissioner consistent  
14 with the applicable methods and rules for allocation under article  
15 nine-A of this chapter[, regardless of whether or not such item or  
16 reduction is included in entire net income under article nine-A for the  
17 tax year]. If a nonresident is a shareholder in an S corporation [where  
18 the election provided for in] subject to subsection (a) of section six  
19 hundred sixty of this article [is in effect], and the S corporation has  
20 distributed an installment obligation under section 453(h)(1)(A) of the  
21 Internal Revenue Code, then any gain recognized on the receipt of  
22 payments from the installment obligation for federal income tax purposes  
23 will be treated as New York source income allocated in a manner consist-  
24 ent with the applicable methods and rules for allocation under article  
25 nine-A of this chapter in the year that the assets were sold. In addi-  
26 tion, if the shareholders of the S corporation have made an election  
27 under section 338(h)(10) of the Internal Revenue Code, then any gain  
28 recognized on the deemed asset sale for federal income tax purposes will

1 be treated as New York source income allocated in a manner consistent  
2 with the applicable methods and rules for allocation under article  
3 nine-A of this chapter in the year that the shareholder made the section  
4 338(h)(10) election. For purposes of a section 338(h)(10) election, when  
5 a nonresident shareholder exchanges his or her S corporation stock as  
6 part of the deemed liquidation, any gain or loss recognized shall be  
7 treated as the disposition of an intangible asset and will not increase  
8 or offset any gain recognized on the deemed assets sale as a result of  
9 the section 338(h)(10) election.

10 § 17. Subsection (a) of section 632-a of the tax law, as added by  
11 section 1 of part K of chapter 60 of the laws of 2007, is amended to  
12 read as follows:

13 (a) General. If (1) substantially all of the services of a personal  
14 service corporation or S corporation are performed for or on behalf of  
15 another corporation, partnership, or other entity and (2) the effect of  
16 forming or availing of such personal service corporation or S corpo-  
17 ration is the avoidance or evasion of New York income tax by reducing  
18 the income of, or in the case of a nonresident, reducing the New York  
19 source income of, or securing the benefit of any expense, deduction,  
20 credit, exclusion, or other allowance for, any employee-owner which  
21 would not otherwise be available, then the commissioner may allocate all  
22 income, deductions, credits, exclusions, and other allowances between  
23 such personal service corporation or S corporation (even if such  
24 personal service corporation or S corporation [is taxed under article  
25 nine-A of this chapter or] is not subject to tax in this state) and its  
26 employee-owners, provided such allocation is necessary to prevent avoid-  
27 ance or evasion of New York state income tax or to clearly reflect the

1 source and the amount of the income of the personal service corporation  
2 or S corporation or any of its employee-owners.

3 § 18. Paragraph 2 and subparagraph (A) of paragraph 4 of subsection  
4 (c) of section 658 of the tax law, paragraph 2 as amended by chapter 190  
5 of the laws of 1990, and subparagraph (A) of paragraph 4 as amended by  
6 section 72 of part A of chapter 59 of the laws of 2014, are amended to  
7 read as follows:

8 (2) S corporations. Every S corporation [for which the election  
9 provided for in] subject to subsection (a) of section six hundred sixty  
10 [is in effect] shall make a return for the taxable year setting forth  
11 all items of income, loss and deduction and such other pertinent infor-  
12 mation as the commissioner of taxation and finance may by regulations  
13 and instructions prescribe. Such return shall be filed on or before the  
14 fifteenth day of the third month following the close of each taxable  
15 year.

16 (A) General. Every entity which is a partnership, other than a public-  
17 ly traded partnership as defined in section 7704 of the federal Internal  
18 Revenue Code, subchapter K limited liability company or an S corporation  
19 [for which the election provided for in subsection (a) of section six  
20 hundred sixty of this part is in effect], which has partners, members or  
21 shareholders who are nonresident individuals, as defined under  
22 subsection (b) of section six hundred five of this article, or C corpo-  
23 rations, and which has any income derived from New York sources, deter-  
24 mined in accordance with the applicable rules of section six hundred  
25 thirty-one of this article as in the case of a nonresident individual,  
26 shall pay estimated tax on such income on behalf of such partners,  
27 members or shareholders in the manner and at the times prescribed by  
28 subsection (c) of section six hundred eighty-five of this article. For

1 purposes of this paragraph, the term "estimated tax" shall mean a part-  
2 ner's, member's or shareholder's distributive share or pro rata share of  
3 the entity income derived from New York sources, multiplied by the high-  
4 est rate of tax prescribed by section six hundred one of this article  
5 for the taxable year of any partner, member or shareholder who is an  
6 individual taxpayer, or paragraph (a) of subdivision one of section two  
7 hundred ten of this chapter for the taxable year of any partner, member  
8 or shareholder which is a C corporation, whether or not such C corpo-  
9 ration is subject to tax under article nine, nine-A or thirty-three of  
10 this chapter, and reduced by the distributive share or pro rata share of  
11 any credits determined under section one hundred eighty-seven, one  
12 hundred eighty-seven-a, six hundred six or fifteen hundred eleven of  
13 this chapter, whichever is applicable, derived from the entity.

14 § 19. Section 660 of the tax law, as amended by chapter 606 of the  
15 laws of 1984, subsections (a) and (h) as amended by section 73 of part A  
16 of chapter 59 of the laws of 2014, paragraph 3 of subsection (b) as  
17 amended by section 51, paragraphs 4 and 5 of subsection (b) as added and  
18 paragraph 6 of subsection (b) as renumbered by section 52 and  
19 subsections (e) and (f) as added and subsection (g) as relettered by  
20 section 53 of part A of chapter 389 of the laws of 1997, subsection (d)  
21 as added by chapter 760 of the laws of 1992, subsection (i) as added by  
22 section 1 of part L of chapter 60 of the laws of 2007 and paragraph 1 of  
23 subsection (i) as amended by section 39 of part T of chapter 59 of the  
24 laws of 2015, is amended to read as follows:

25 § 660. [Election by shareholders of S corporations] Tax treatment of  
26 federal S corporations. (a) [Election.] If a corporation is an eligible  
27 S corporation, the shareholders of the corporation [may elect in the  
28 manner set forth in subsection (b) of this section to] shall take into

1 account, to the extent provided for in this article (or in article thir-  
2 teen of this chapter, in the case of a shareholder which is a taxpayer  
3 under such article), the S corporation items of income, loss, deduction  
4 and reductions for taxes described in paragraphs two and three of  
5 subsection (f) of section thirteen hundred sixty-six of the internal  
6 revenue code which are taken into account for federal income tax  
7 purposes for the taxable year. [No election under this subsection shall  
8 be effective unless all shareholders of the corporation have so  
9 elected.] An eligible S corporation is (i) [an S] a corporation that has  
10 elected to be an S corporation for federal income tax purposes pursuant  
11 to section thirteen hundred sixty-two of the internal revenue code which  
12 is subject to tax under article nine-A of this chapter, or (ii) [an S] a  
13 corporation that has elected to be an S corporation for federal income  
14 tax purposes pursuant to section thirteen hundred sixty-two of the  
15 internal revenue code which is the parent of a qualified subchapter S  
16 subsidiary as defined in subparagraph (B) of paragraph three of  
17 subsection (b) of section thirteen hundred sixty-one of the internal  
18 revenue code subject to tax under article nine-A[, where the sharehold-  
19 ers of such parent corporation are entitled to make the election under  
20 this subsection by reason of subparagraph three of paragraph (k) of  
21 subdivision nine of section two hundred eight] of this chapter.

22 (b) [Requirements of election. An election under subsection (a) of  
23 this section shall be made on such form and in such manner as the tax  
24 commission may prescribe by regulation or instruction.

25 (1) When made. An election under subsection (a) of this section may be  
26 made at any time during the preceding taxable year of the corporation or  
27 at any time during the taxable year of the corporation and on or before  
28 the fifteenth day of the third month of such taxable year.



1 (2) Certain elections made during first two and one-half months. If an  
2 election made under subsection (a) of this section is made for any taxa-  
3 ble year of the corporation during such year and on or before the  
4 fifteenth day of the third month of such year, such election shall be  
5 treated as made for the following taxable year if

6 (A) on one or more days in such taxable year before the day on which  
7 the election was made the corporation did not meet the requirements of  
8 subsection (b) of section thirteen hundred sixty-one of the internal  
9 revenue code or

10 (B) one or more of the shareholders who held stock in the corporation  
11 during such taxable year and before the election was made did not  
12 consent to the election.

13 (3) Elections made after first two and one-half months. If an election  
14 under subsection (a) of this section is made for any taxable year of the  
15 corporation and such election is made after the fifteenth day of the  
16 third month of such taxable year and on or before the fifteenth day of  
17 the third month of the following taxable year, such election shall be  
18 treated as made for the following taxable year.

19 (4) Taxable years of two and one-half months or less. For purposes of  
20 this subsection, an election for a taxable year made not later than two  
21 months and fifteen days after the first day of the taxable year shall be  
22 treated as timely made during such year.

23 (5) Authority to treat late elections, etc., as timely. If (A) an  
24 election under subsection (a) of this section is made for any taxable  
25 year (determined without regard to paragraph three of this subsection)  
26 after the date prescribed by this subsection for making such election  
27 for such taxable year, or if no such election is made for any taxable  
28 year, and

1 (B) the commissioner determines that there was reasonable cause for  
2 failure to timely make such election, then

3 (C) the commissioner may treat such an election as timely made for  
4 such taxable year (and paragraph three of this subsection shall not  
5 apply).

6 (6) Years for which effective. An election under subsection (a) of  
7 this section shall be effective for the taxable year of the corporation  
8 for which it is made and for all succeeding taxable years of the corpo-  
9 ration until such election is terminated under subsection (c) of this  
10 section.

11 (c)] Termination. An [election under] eligible S corporation shall  
12 cease to be subject to subsection (a) of this section [shall cease to be  
13 effective

14 (1)] on the day an election to be an S corporation ceases to be effec-  
15 tive for federal income tax purposes pursuant to subsection (d) of  
16 section thirteen hundred sixty-two of the internal revenue code[, or

17 (2) if shareholders holding more than one-half of the shares of stock  
18 of the corporation on the day on which the revocation is made revoke  
19 such election in the manner the tax commission may prescribe by regu-  
20 lation,

21 (A) on the first day of the taxable year of the corporation, if the  
22 revocation is made during such taxable year and on or before the  
23 fifteenth day of the third month thereof, or

24 (B) on the first day of the following taxable year of the corporation,  
25 if the revocation is made during the taxable year but after the  
26 fifteenth day of the third month thereof, or

1 (C) on and after the date so specified, if the revocation specifies a  
2 date for revocation which is on or after the day on which the revocation  
3 is made, or

4 (3) if any person who was not a shareholder of the corporation on the  
5 day on which the election is made becomes a shareholder in the corpo-  
6 ration and affirmatively refuses to consent to such election in the  
7 manner the tax commission may prescribe by regulation, on the day such  
8 person becomes a shareholder].

9 [(d)] (c) New York S termination year. In the case of a New York S  
10 termination year, the amount of any item of S corporation income, loss  
11 and deduction and reductions for taxes (as described in paragraphs two  
12 and three of subsection (f) of section thirteen hundred sixty-six of the  
13 internal revenue code) required to be taken account of under this arti-  
14 cle shall be adjusted in the same manner that the S corporation's items  
15 which are included in the shareholder's federal adjusted gross income  
16 are adjusted under subsection (s) of section six hundred twelve.

17 [(e) Inadvertent invalid elections. If (1) an election under  
18 subsection (a) of this section was not effective for the taxable year  
19 for which made (determined without regard to paragraph two of subsection  
20 (b) of this section) by reason of a failure to obtain shareholder  
21 consents,

22 (2) the commissioner determines that the circumstances resulting in  
23 such ineffectiveness were inadvertent,

24 (3) no later than a reasonable period of time after discovery of the  
25 circumstances resulting in such ineffectiveness, steps were taken to  
26 acquire the required shareholder consents, and

27 (4) the corporation, and each person who was a shareholder in the  
28 corporation at any time during the period specified pursuant to this

1 subsection, agrees to make such adjustments (consistent with the treat-  
2 ment of the corporation as a New York S corporation) as may be required  
3 by the commissioner with respect to such period,

4 (5) then, notwithstanding the circumstances resulting in such ineffec-  
5 tiveness, such corporation shall be treated as a New York S corporation  
6 during the period specified by the commissioner.

7 (f)] (d) Qualified subchapter S subsidiaries. If an S corporation has  
8 elected to treat its wholly owned subsidiary as a qualified subchapter S  
9 subsidiary for federal income tax purposes under paragraph three of  
10 subsection (b) of section thirteen hundred sixty-one of the internal  
11 revenue code, such election shall be applicable for New York state tax  
12 purposes and

13 (1) the assets, liabilities, income, deductions, property, payroll,  
14 receipts, capital, credits, and all other tax attributes and elements of  
15 economic activity of the subsidiary shall be deemed to be those of the  
16 parent corporation,

17 (2) transactions between the parent corporation and the subsidiary,  
18 including the payment of interest and dividends, shall not be taken into  
19 account, and

20 (3) general executive officers of the subsidiary shall be deemed to be  
21 general executive officers of the parent corporation.

22 (e) Validated federal elections. If [(1) an election under subsection  
23 (a) of this section was made for a taxable year or years of a corpo-  
24 ration, which years occur with or within the period for which] the  
25 federal S election of [such] an eligible S corporation has been vali-  
26 dated pursuant to the provisions of subsection (f) of section thirteen  
27 hundred sixty-two of the internal revenue code, [and

1 (2) the corporation, and each person who was a shareholder in the  
2 corporation at any time during such taxable year or years agrees to make  
3 such adjustments (consistent with the treatment of the corporation as a  
4 New York S corporation) as may be required by the commissioner with  
5 respect to such year or years,

6 (3) then] such corporation shall be treated as [a New York] an eligi-  
7 ble S corporation subject to subsection (a) of this section during  
8 [such] the year or years for which such election has been validated.

9 [(g) Transitional rule. Any election made under this section (as in  
10 effect for taxable years beginning before January first, nineteen  
11 hundred eighty-three) shall be treated as an election made under  
12 subsection (a) of this section.

13 (h) Cross reference. For definitions relating to S corporations, see  
14 subdivision one-A of section two hundred eight of this chapter.

15 (i) Mandated New York S corporation election. (1) Notwithstanding the  
16 provisions in subsection (a) of this section, in the case of an eligible  
17 S corporation for which the election under subsection (a) of this  
18 section is not in effect for the current taxable year, the shareholders  
19 of an eligible S corporation are deemed to have made that election  
20 effective for the eligible S corporation's entire current taxable year,  
21 if the eligible S corporation's investment income for the current taxa-  
22 ble year is more than fifty percent of its federal gross income for such  
23 year. In determining whether an eligible S corporation is deemed to have  
24 made that election, the income of a qualified subchapter S subsidiary  
25 owned directly or indirectly by the eligible S corporation shall be  
26 included with the income of the eligible S corporation.

27 (2) For the purposes of this subsection, the term "eligible S corpo-  
28 ration" has the same definition as in subsection (a) of this section.

1 (3) For the purposes of this subsection, the term "investment income"  
2 means the sum of an eligible S corporation's gross income from interest,  
3 dividends, royalties, annuities, rents and gains derived from dealings  
4 in property, including the corporation's share of such items from a  
5 partnership, estate or trust, to the extent such items would be includa-  
6 ble in federal gross income for the taxable year.

7 (4) Estimated tax payments. When making estimated tax payments  
8 required to be made under this chapter in the current tax year, the  
9 eligible S corporation and its shareholders may rely on the eligible S  
10 corporation's filing status for the prior year. If the eligible S corpo-  
11 ration's filing status changes from the prior tax year the corporation  
12 or the shareholders, as the case may be, which made the payments shall  
13 be entitled to a refund of such estimated tax payments. No additions to  
14 tax with respect to any required declarations or payments of estimated  
15 tax imposed under this chapter shall be imposed on the corporation or  
16 shareholders, whichever is the taxpayer for the current taxable year, if  
17 the corporation or the shareholders file such declarations and make such  
18 estimated tax payments by January fifteenth of the following calendar  
19 year, regardless of whether the taxpayer's tax year is a calendar or a  
20 fiscal year.]

21 § 20. Transition rules. Any prior net operating loss conversion  
22 subtraction and net operating loss carryforward that otherwise would  
23 have been allowed under subparagraphs (viii) and (ix), respectively, of  
24 paragraph (a) of subdivision 1 of section 210 of the tax law for the  
25 taxable years beginning on or after January 1, 2022 to any taxpayer that  
26 was a New York C corporation for a taxable year beginning on or after  
27 January 1, 2021 and before January 1, 2022, and that becomes a New York  
28 S corporation for a taxable year beginning on or after January 1, 2022

1 as a result of the amendments made by this act, shall be held in abey-  
2 ance and be available to such taxpayer if its election to be a federal S  
3 corporation is terminated. Further, any credit carryforwards allowed to  
4 such a taxpayer under section 210-B of the tax law shall be held in  
5 abeyance and be available to such taxpayer if its election to be a  
6 federal S corporation is terminated. However, the taxpayer's years as a  
7 New York S corporation shall be counted for purposes of computing any  
8 time period applicable to the allowance of the prior net operating loss  
9 conversion subtraction or carryforward, the net operating loss  
10 deduction, or any credit carryforward.

11 § 21. This act shall take effect immediately, provided, however, that  
12 section one shall apply to taxable years beginning on or after January  
13 1, 2021 and sections two through twenty shall apply to taxable years  
14 beginning on or after January 1, 2022.

15 PART F

16 Section 1. Paragraph 5 of subdivision (a) of section 24 of the tax  
17 law, as amended by section 5-a of part M of chapter 59 of the laws of  
18 2020, is amended to read as follows:

19 (5) For the period two thousand fifteen through two thousand [twenty-  
20 five] twenty-six, in addition to the amount of credit established in  
21 paragraph two of this subdivision, a taxpayer shall be allowed a credit  
22 equal to the product (or pro rata share of the product, in the case of a  
23 member of a partnership) of ten percent and the amount of wages or sala-  
24 ries paid to individuals directly employed (excluding those employed as  
25 writers, directors, music directors, producers and performers, including  
26 background actors with no scripted lines) by a qualified film production

1 company or a qualified independent film production company for services  
2 performed by those individuals in one of the counties specified in this  
3 paragraph in connection with a qualified film with a minimum budget of  
4 five hundred thousand dollars. For purposes of this additional credit,  
5 the services must be performed in one or more of the following counties:  
6 Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung,  
7 Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex,  
8 Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis,  
9 Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga,  
10 Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saratoga,  
11 Schenectady, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sulli-  
12 van, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, or  
13 Yates. The aggregate amount of tax credits allowed pursuant to the  
14 authority of this paragraph shall be five million dollars each year  
15 during the period two thousand fifteen through two thousand [twenty-  
16 five] twenty-six of the annual allocation made available to the program  
17 pursuant to paragraph four of subdivision (e) of this section. Such  
18 aggregate amount of credits shall be allocated by the governor's office  
19 for motion picture and television development among taxpayers in order  
20 of priority based upon the date of filing an application for allocation  
21 of film production credit with such office. If the total amount of  
22 allocated credits applied for under this paragraph in any year exceeds  
23 the aggregate amount of tax credits allowed for such year under this  
24 paragraph, such excess shall be treated as having been applied for on  
25 the first day of the next year. If the total amount of allocated tax  
26 credits applied for under this paragraph at the conclusion of any year  
27 is less than five million dollars, the remainder shall be treated as  
28 part of the annual allocation made available to the program pursuant to



1 paragraph four of subdivision (e) of this section. However, in no event  
2 may the total of the credits allocated under this paragraph and the  
3 credits allocated under paragraph five of subdivision (a) of section  
4 thirty-one of this article exceed five million dollars in any year  
5 during the period two thousand fifteen through two thousand [twenty-  
6 five] twenty-six.

7 § 2. Paragraph 4 of subdivision (e) of section 24 of the tax law, as  
8 amended by section 5-b of part M of chapter 59 of the laws of 2020, is  
9 amended to read as follows:

10 (4) Additional pool 2 - The aggregate amount of tax credits allowed in  
11 subdivision (a) of this section shall be increased by an additional four  
12 hundred twenty million dollars in each year starting in two thousand ten  
13 through two thousand [twenty-five] twenty-six provided however, seven  
14 million dollars of the annual allocation shall be available for the  
15 empire state film post production credit pursuant to section thirty-one  
16 of this article in two thousand thirteen and two thousand fourteen,  
17 twenty-five million dollars of the annual allocation shall be available  
18 for the empire state film post production credit pursuant to section  
19 thirty-one of this article in each year starting in two thousand fifteen  
20 through two thousand [twenty-five] twenty-six and five million dollars  
21 of the annual allocation shall be made available for the television  
22 writers' and directors' fees and salaries credit pursuant to section  
23 twenty-four-b of this article in each year starting in two thousand  
24 twenty through two thousand [twenty-five] twenty-six. This amount shall  
25 be allocated by the governor's office for motion picture and television  
26 development among taxpayers in accordance with subdivision (a) of this  
27 section. If the commissioner of economic development determines that the  
28 aggregate amount of tax credits available from additional pool 2 for the

1 empire state film production tax credit have been previously allocated,  
2 and determines that the pending applications from eligible applicants  
3 for the empire state film post production tax credit pursuant to section  
4 thirty-one of this article is insufficient to utilize the balance of  
5 unallocated empire state film post production tax credits from such  
6 pool, the remainder, after such pending applications are considered,  
7 shall be made available for allocation in the empire state film tax  
8 credit pursuant to this section, subdivision twenty of section two  
9 hundred ten-B and subsection (gg) of section six hundred six of this  
10 chapter. Also, if the commissioner of economic development determines  
11 that the aggregate amount of tax credits available from additional pool  
12 2 for the empire state film post production tax credit have been previ-  
13 ously allocated, and determines that the pending applications from  
14 eligible applicants for the empire state film production tax credit  
15 pursuant to this section is insufficient to utilize the balance of unal-  
16 located film production tax credits from such pool, then all or part of  
17 the remainder, after such pending applications are considered, shall be  
18 made available for allocation for the empire state film post production  
19 credit pursuant to this section, subdivision thirty-two of section two  
20 hundred ten-B and subsection (qq) of section six hundred six of this  
21 chapter. The governor's office for motion picture and television devel-  
22 opment must notify taxpayers of their allocation year and include the  
23 allocation year on the certificate of tax credit. Taxpayers eligible to  
24 claim a credit must report the allocation year directly on their empire  
25 state film production credit tax form for each year a credit is claimed  
26 and include a copy of the certificate with their tax return. In the case  
27 of a qualified film that receives funds from additional pool 2, no  
28 empire state film production credit shall be claimed before the later of

1 the taxable year the production of the qualified film is complete, or  
2 the taxable year immediately following the allocation year for which the  
3 film has been allocated credit by the governor's office for motion  
4 picture and television development.

5 § 3. Paragraph 4 of subdivision (e) of section 24 of the tax law, as  
6 amended by section 2 of part SSS of chapter 59 of the laws of 2019, is  
7 amended to read as follows:

8 (4) Additional pool 2 - The aggregate amount of tax credits allowed in  
9 subdivision (a) of this section shall be increased by an additional four  
10 hundred twenty million dollars in each year starting in two thousand ten  
11 through two thousand [twenty-four] twenty-six provided however, seven  
12 million dollars of the annual allocation shall be available for the  
13 empire state film post production credit pursuant to section thirty-one  
14 of this article in two thousand thirteen and two thousand fourteen and  
15 twenty-five million dollars of the annual allocation shall be available  
16 for the empire state film post production credit pursuant to section  
17 thirty-one of this article in each year starting in two thousand fifteen  
18 through two thousand [twenty-four] twenty-six. This amount shall be  
19 allocated by the governor's office for motion picture and television  
20 development among taxpayers in accordance with subdivision (a) of this  
21 section. If the commissioner of economic development determines that the  
22 aggregate amount of tax credits available from additional pool 2 for the  
23 empire state film production tax credit have been previously allocated,  
24 and determines that the pending applications from eligible applicants  
25 for the empire state film post production tax credit pursuant to section  
26 thirty-one of this article is insufficient to utilize the balance of  
27 unallocated empire state film post production tax credits from such  
28 pool, the remainder, after such pending applications are considered,

1 shall be made available for allocation in the empire state film tax  
2 credit pursuant to this section, subdivision twenty of section two  
3 hundred ten-B and subsection (gg) of section six hundred six of this  
4 chapter. Also, if the commissioner of economic development determines  
5 that the aggregate amount of tax credits available from additional pool  
6 2 for the empire state film post production tax credit have been previ-  
7 ously allocated, and determines that the pending applications from  
8 eligible applicants for the empire state film production tax credit  
9 pursuant to this section is insufficient to utilize the balance of unal-  
10 located film production tax credits from such pool, then all or part of  
11 the remainder, after such pending applications are considered, shall be  
12 made available for allocation for the empire state film post production  
13 credit pursuant to this section, subdivision thirty-two of section two  
14 hundred ten-B and subsection (qq) of section six hundred six of this  
15 chapter. The governor's office for motion picture and television devel-  
16 opment must notify taxpayers of their allocation year and include the  
17 allocation year on the certificate of tax credit. Taxpayers eligible to  
18 claim a credit must report the allocation year directly on their empire  
19 state film production credit tax form for each year a credit is claimed  
20 and include a copy of the certificate with their tax return. In the case  
21 of a qualified film that receives funds from additional pool 2, no  
22 empire state film production credit shall be claimed before the later of  
23 the taxable year the production of the qualified film is complete, or  
24 the taxable year immediately following the allocation year for which the  
25 film has been allocated credit by the governor's office for motion  
26 picture and television development.

1 § 4. Paragraph 6 of subdivision (a) of section 31 of the tax law, as  
2 amended by section 5-c of part M of chapter 59 of the laws of 2020, is  
3 amended to read as follows:

4 (6) For the period two thousand fifteen through two thousand [twenty-  
5 five] twenty-six, in addition to the amount of credit established in  
6 paragraph two of this subdivision, a taxpayer shall be allowed a credit  
7 equal to the product (or pro rata share of the product, in the case of a  
8 member of a partnership) of ten percent and the amount of wages or sala-  
9 ries paid to individuals directly employed (excluding those employed as  
10 writers, directors, music directors, producers and performers, including  
11 background actors with no scripted lines) for services performed by  
12 those individuals in one of the counties specified in this paragraph in  
13 connection with the post production work on a qualified film with a  
14 minimum budget of five hundred thousand dollars at a qualified post  
15 production facility in one of the counties listed in this paragraph. For  
16 purposes of this additional credit, the services must be performed in  
17 one or more of the following counties: Albany, Allegany, Broome, Catta-  
18 raugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cort-  
19 land, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee,  
20 Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison,  
21 Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans,  
22 Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie,  
23 Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Tompkins,  
24 Ulster, Warren, Washington, Wayne, Wyoming, or Yates. The aggregate  
25 amount of tax credits allowed pursuant to the authority of this para-  
26 graph shall be five million dollars each year during the period two  
27 thousand fifteen through two thousand [twenty-five] twenty-six of the  
28 annual allocation made available to the empire state film post

1 production credit pursuant to paragraph four of subdivision (e) of  
2 section twenty-four of this article. Such aggregate amount of credits  
3 shall be allocated by the governor's office for motion picture and tele-  
4 vision development among taxpayers in order of priority based upon the  
5 date of filing an application for allocation of post production credit  
6 with such office. If the total amount of allocated credits applied for  
7 under this paragraph in any year exceeds the aggregate amount of tax  
8 credits allowed for such year under this paragraph, such excess shall be  
9 treated as having been applied for on the first day of the next year. If  
10 the total amount of allocated tax credits applied for under this para-  
11 graph at the conclusion of any year is less than five million dollars,  
12 the remainder shall be treated as part of the annual allocation for two  
13 thousand seventeen made available to the empire state film post  
14 production credit pursuant to paragraph four of subdivision (e) of  
15 section twenty-four of this article. However, in no event may the total  
16 of the credits allocated under this paragraph and the credits allocated  
17 under paragraph five of subdivision (a) of section twenty-four of this  
18 article exceed five million dollars in any year during the period two  
19 thousand fifteen through two thousand [twenty-five] twenty-six.

20 § 5. Paragraph 3 of subdivision (b) of section 24 of the tax law, as  
21 separately amended by sections 3 and 4 of part M of chapter 59 of the  
22 laws of 2020, is amended to read as follow:

23 (3) "Qualified film" means a feature-length film, television film,  
24 relocated television production, television pilot or television series,  
25 regardless of the medium by means of which the film, pilot or series is  
26 created or conveyed. For the purposes of the credit provided by this  
27 section only, a "qualified film" [with the exception of a television  
28 pilot,] whose majority of principal photography shooting days in the

1 production of the qualified film are shot in Westchester, Rockland,  
2 Nassau, or Suffolk county or any of the five New York City boroughs  
3 shall have a minimum budget of one million dollars. A "qualified film",  
4 [with the exception of a television pilot,] whose majority of principal  
5 photography shooting days in the production of the qualified film are  
6 shot in any other county of the state than those listed in the preceding  
7 sentence shall have a minimum budget of two hundred fifty thousand  
8 dollars. "Qualified film" shall not include: (i) a documentary film,  
9 news or current affairs program, interview or talk program, "how-to"  
10 (i.e., instructional) film or program, film or program consisting prima-  
11 rily of stock footage, sporting event or sporting program, game show,  
12 award ceremony, film or program intended primarily for industrial,  
13 corporate or institutional end-users, fundraising film or program,  
14 daytime drama (i.e., daytime "soap opera"), commercials, music videos or  
15 "reality" program; (ii) a production for which records are required  
16 under section 2257 of title 18, United States code, to be maintained  
17 with respect to any performer in such production (reporting of books,  
18 films, etc. with respect to sexually explicit conduct); or (iii) other  
19 than a relocated television production, a television series commonly  
20 known as variety entertainment, variety sketch and variety talk, i.e., a  
21 program with components of improvisational or scripted content (mono-  
22 logues, sketches, interviews), either exclusively or in combination with  
23 other entertainment elements such as musical performances, dancing,  
24 cooking, crafts, pranks, stunts, and games and which may be further  
25 defined in regulations of the commissioner of economic development.  
26 However, a qualified film shall include a television series as described  
27 in subparagraph (iii) of this paragraph only if an application for such  
28 series has been deemed conditionally eligible for the tax credit under

1 this section prior to April first, two thousand twenty, such series  
2 remains in continuous production for each season, and an annual applica-  
3 tion for each season of such series is continually submitted for such  
4 series after April first, two thousand twenty.

5 § 6. This act shall take effect immediately; provided, however, that  
6 the amendments made by section five of this act shall apply to applica-  
7 tions that are filed with the governor's office for motion picture and  
8 television development on or after April 1, 2021; provided, further,  
9 however that the amendments to paragraph 4 of subdivision (e) of section  
10 24 of the tax law made by section two of this act shall take effect on  
11 the same date and in the same manner as section 5 of chapter 683 of the  
12 laws of 2019, as amended, takes effect.

13 PART G

14 Section 1. Paragraph 3 of subsection (v) of section 685 of the tax  
15 law, as amended by section 3 of part I of chapter 59 of the laws of  
16 2018, is amended to read as follows:

17 (3) Failure to provide complete and correct employee withholding  
18 reconciliation information. In the case of a failure by an employer to  
19 provide complete and correct quarterly withholding information relating  
20 to individual employees on a quarterly combined withholding, wage  
21 reporting and unemployment insurance return covering each calendar quar-  
22 ter of a year, such employer shall, unless it is shown that such failure  
23 is due to reasonable cause and not due to willful neglect, pay a penalty  
24 equal to the product of [fifty] one hundred dollars multiplied by the  
25 number of employees for whom such information is incomplete or incor-  
26 rect; provided, however, that if the number of such employees cannot be



1 determined from the quarterly combined withholding, wage reporting and  
2 unemployment insurance return, the commissioner may utilize any informa-  
3 tion in the commissioner's possession in making such determination. The  
4 total amount of the penalty imposed pursuant to this paragraph on an  
5 employer for any such failure for each calendar quarter of a year shall  
6 not exceed [ten] fifty thousand dollars.

7 § 2. This act shall take effect immediately and apply to returns filed  
8 on or after June 1, 2021.

9 PART H

10 Section 1. This act shall be known and may be cited as the "Cannabis  
11 Regulation and Taxation Act".

12 § 2. A new chapter 7-A of the consolidated laws is added to read as  
13 follows:

14 CHAPTER 7-A OF THE CONSOLIDATED LAWS

15 CANNABIS LAW

16 ARTICLE 1

17 SHORT TITLE; POLICY OF STATE AND PURPOSE OF CHAPTER;

18 DEFINITIONS

19 Section 1. Short title.

20 2. Policy of state and purpose of chapter.

21 3. Definitions.

22 § 1. Short title. This chapter shall be known and may be cited and  
23 referred to as the "cannabis law".

24 § 2. Policy of state and purpose of chapter. It is hereby declared as  
25 policy of the state of New York that it is necessary to properly regu-

1 late, restrict, and control the cultivation, processing, manufacture,  
2 wholesale, and retail production, distribution, transportation, adver-  
3 tising, marketing, and sale of cannabis, cannabis products, medical  
4 cannabis, and cannabinoid hemp within the state of New York, for the  
5 purposes of fostering and promoting temperance in their consumption, to  
6 properly protect the public health, safety, and welfare, to displace the  
7 illicit cannabis market, to provide safe and affordable access to  
8 medical cannabis for patients, and to promote social and economic equal-  
9 ity. It is hereby declared that such policy will best be carried out by  
10 empowering the state office of cannabis management and its executive  
11 director, to determine whether public health, safety, convenience and  
12 advantage will be promoted by the issuance of registrations, licenses  
13 and/or permits granting the privilege to produce, distribute, transport,  
14 sell, or traffic in cannabis, medical cannabis, or cannabinoid hemp, to  
15 increase or decrease in the number thereof, scope of activities, and the  
16 location of premises registered, licensed, or permitted thereby, subject  
17 only to the right of judicial review hereinafter provided for. It is the  
18 purpose of this chapter to carry out that policy in the public interest.  
19 The restrictions, regulations, and provisions contained in this chapter  
20 are enacted by the legislature for the protection of the health, safety,  
21 and welfare of the people of the state.

22 § 3. Definitions. Whenever used in this chapter, unless otherwise  
23 expressly stated or unless the context or subject matter requires a  
24 different meaning, the following terms shall have the representative  
25 meanings hereinafter set forth or indicated:

26 1. "Applicant" means a person or for-profit entity or not-for-profit  
27 corporation and includes: board members, officers, managers, owners,  
28 partners, principal stakeholders, financiers, and members who submit an

1 application to become a registered organization, licensee or permittee,  
2 and may include any other individual or entity with a material or opera-  
3 tional interest in the license or its operations as determined by its  
4 board in regulation.

5 2. "Bona fide cannabis retailer association" shall mean an association  
6 of retailers holding licenses under this chapter, organized under the  
7 non-profit or not-for-profit laws of this state.

8 3. "Cannabis" means all parts of the plant of the genus cannabis,  
9 whether growing or not; the seeds thereof; the resin extracted from any  
10 part of the plant; and every compound, manufacture, salt, derivative,  
11 mixture, or preparation of the plant, its seeds or resin.

12 4. "Concentrated cannabis" means: (a) the separated resin, whether  
13 crude or purified, obtained from a plant of the genus cannabis; or (b) a  
14 material, preparation, mixture, compound or other substance which  
15 contains more than three-tenths of one percent by weight or by volume of  
16 delta-9 tetrahydrocannabinol, or its isomer, delta-8 dibenzopyran  
17 numbering system, or delta-1 tetrahydrocannabinol or its isomer, delta 1  
18 (6) monoterpene numbering system or which exceeds an amount 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 per serving or per product determined by the  
22 board in regulation.

23 5. "Adult-use cannabis consumer" means a person, twenty-one years of  
24 age or older, who purchases approved adult-use cannabis or adult-use  
25 cannabis products for personal use, but not for resale to others.

26 6. "Adult-use cannabis processor" means a person licensed by the  
27 office who may purchase adult-use cannabis from adult-use cannabis  
28 cultivators or processors, and who may process adult-use cannabis, and

1 adult-use cannabis products, package and label adult-use cannabis, and  
2 adult-use cannabis products for sale in adult-use cannabis retail  
3 outlets, and who may sell adult-use cannabis and cannabis-infused  
4 products at wholesale to licensed adult-use cannabis distributors or  
5 processors, in accordance with regulations determined by the board.

6 7. "Adult-use cannabis product" or "adult-use cannabis" means any  
7 approved adult-use cannabis, concentrated cannabis, or adult-use canna-  
8 bis-infused or extracted products, or products which otherwise contain  
9 or are derived from adult-use cannabis, and which have been authorized  
10 for distribution to and for use by an adult-use cannabis consumer as  
11 determined by the executive director.

12 8. "Adult-use cannabis retail dispenser" means a person or entity  
13 licensed by the executive director who may purchase adult-use cannabis  
14 products, from adult-use cannabis cultivators, processors or distribu-  
15 tors, and who may sell approved adult-use cannabis products, through a  
16 retail outlet, as determined by the executive director.

17 9. "Certified medical use" means the acquisition, possession, use, or  
18 transportation of medical cannabis by a certified patient, or the acqui-  
19 sition, possession, delivery, transportation or administration of  
20 medical cannabis by a designated caregiver or designated caregiver  
21 facility, for use as part of the treatment of the patient's serious  
22 condition, as authorized in a certification under this chapter including  
23 enabling the patient to tolerate treatment for the serious condition.

24 10. "Caring for" means treating a patient, in the course of which the  
25 practitioner has completed a full assessment of the patient's medical  
26 history and current medical condition.

27 11. "Certified patient" means a patient who is a resident of New York  
28 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. "Adult-use cultivation" shall include, the planting, growing,  
5 cloning, harvesting, drying, curing, grading and trimming of adult-use  
6 cannabis, or such other cultivation related processes as determined by  
7 the executive director.

8 14. "Executive director" means the executive director of the office of  
9 cannabis management.

10 15. "Convicted" and "conviction" include and mean a finding of guilt  
11 resulting from a plea of guilty, the decision of a court or magistrate  
12 or the verdict of a jury, irrespective of the pronouncement of judgment  
13 or the suspension thereof.

14 16. "Designated caregiver" means an individual designated by a certi-  
15 fied patient in a registry application. A certified patient may desig-  
16 nate up to two designated caregivers or additional designated caregivers  
17 as may be approved by the office.

18 17. "Designated caregiver facility" means a general hospital or resi-  
19 dential health care facility operating pursuant to article twenty-eight  
20 of the public health law; an adult care facility operating pursuant to  
21 title two of article seven of the social services law; a community  
22 mental health residence established pursuant to section 41.44 of the  
23 mental hygiene law; a hospital operating pursuant to section 7.17 of the  
24 mental hygiene law; a mental hygiene facility operating pursuant to  
25 article thirty-one of the mental hygiene law; an inpatient or residen-  
26 tial treatment program certified pursuant to article thirty-two of the  
27 mental hygiene law; a residential facility for the care and treatment of  
28 persons with developmental disabilities operating pursuant to article

1 sixteen of the mental hygiene law; a residential treatment facility for  
2 children and youth operating pursuant to article thirty-one of the  
3 mental hygiene law; a private or public school; research institution  
4 with an internal review board; or any other facility as determined by  
5 the executive director; that registers with the office of cannabis  
6 management to assist one or more certified patients with the acquisi-  
7 tion, possession, delivery, transportation or administration of medical  
8 cannabis.

9 18. "Felony" means any criminal offense classified as a felony under  
10 the laws of this state or any criminal offense committed in any other  
11 state, district, or territory of the United States and classified as a  
12 felony therein which if committed within this state, would constitute a  
13 felony in this state.

14 19. "Form of medical cannabis" means characteristics of the medical  
15 cannabis recommended or limited for a particular certified patient,  
16 including the method of consumption and any particular strain, variety,  
17 and quantity or percentage of cannabis or particular active ingredient.

18 20. "Government agency" means any office, division, board, bureau,  
19 commission, office, agency, authority or public corporation of the state  
20 or federal government or a county, city, town or village government  
21 within the state.

22 21. "Hemp" means the plant *Cannabis sativa* L. and any part of such  
23 plant, including the seeds thereof and all derivatives, extracts, canna-  
24 binoids, isomers, acids, salts, and salts of isomers, whether growing or  
25 not, with a delta-9 tetrahydrocannabinol concentration of not more than  
26 three-tenths of one percent on a dry weight or per volume basis.

27 22. "Cannabinoid hemp product" means any hemp and any product proc-  
28 essed or derived from hemp, that is used for human consumption provided

1 that when such product is packaged or offered for retail sale to a  
2 consumer, it shall not have a concentration of more than three-tenths of  
3 one percent of delta-9 tetrahydrocannabinol or more than an amount of  
4 total THC per quantity of cannabinoid hemp product as determined by the  
5 board in regulation.

6 23. "Cannabinoid hemp processor license" means a license granted by  
7 the office to process, extract, pack or manufacture cannabinoid hemp or  
8 hemp extract into products, whether in intermediate or final form, used  
9 for human consumption.

10 24. "Cannabinoid hemp retailer license" means a license granted by the  
11 office to sell cannabinoid hemp, in final approved form, to consumers  
12 within the state.

13 25. "Individual dose" means a single measure of adult-use cannabis,  
14 medical cannabis or cannabinoid hemp product, as determined by the execu-  
15 tive director in regulation. Individual doses may be established  
16 through a measure of raw material, a measure of an individual cannabi-  
17 noid or compound, a measure of total THC, or an equivalency thereof.

18 26. "Labor peace agreement" means an agreement between an entity and a  
19 labor organization that, at a minimum, protects the state's proprietary  
20 interests by prohibiting labor organizations and members from engaging  
21 in picketing, work stoppages, boycotts, and any other economic interfer-  
22 ence with the registered organization or licensee's business.

23 27. "License" means a license issued pursuant to this chapter.

24 28. "Medical cannabis" means cannabis as defined in subdivision three  
25 of this section, intended and approved for a certified medical use, as  
26 determined by the executive director in consultation with the commis-  
27 sioner of health.

1 30. "Office" or "office of cannabis management" means the New York  
2 state office of cannabis management.

3 31. "Permit" means a permit issued pursuant to this chapter.

4 32. "Permittee" means any person to whom a permit has been issued  
5 pursuant to this chapter.

6 33. "Person" means individual, institution, corporation, government or  
7 governmental subdivision or agency, business trust, estate, trust, part-  
8 nership or association, or any other legal entity.

9 34. "Practitioner" means a practitioner who: (i) is authorized to  
10 prescribe controlled substances within the state, (ii) by training or  
11 experience is qualified to treat a serious condition as defined in  
12 subdivision forty-three of this section; and (iii) completes, at a mini-  
13 mum, a two-hour course as determined by the board in regulation;  
14 provided however, the executive director may revoke a practitioner's  
15 ability to certify patients for cause.

16 35. "Processing" includes, blending, extracting, infusing, packaging,  
17 labeling, branding and otherwise making or preparing adult-use cannabis,  
18 medical cannabis and cannabinoid hemp, or such other related processes  
19 as determined by the executive director. Processing shall not include  
20 the cultivation of cannabis.

21 36. "Registered organization" means an organization registered under  
22 article three of this chapter.

23 37. "Registry application" means an application properly completed and  
24 filed with the office of cannabis management by a certified patient  
25 under article three of this chapter.

26 38. "Registry identification card" means a document that identifies a  
27 certified patient or designated caregiver, as provided under section  
28 thirty-two of this chapter.



1 39. "Retail sale" or "sale at retail" means a sale to a consumer or to  
2 any person for any purpose other than for resale.

3 40. "Retailer" means any licensed person who sells at retail any  
4 approved adult-use cannabis product.

5 41. "Sale" means any transfer, exchange or barter in any manner or by  
6 any means whatsoever, and includes and means all sales made by any  
7 person, whether principal, proprietor, agent, servant or employee of any  
8 cannabis product.

9 42. "To sell" includes to solicit or receive an order for, to keep or  
10 expose for sale, and to keep with intent to sell and shall include the  
11 transportation or delivery of any cannabis product in the state.

12 43. "Serious condition" means having one of the following severe  
13 debilitating or life-threatening conditions: cancer, positive status for  
14 human immunodeficiency virus or acquired immune deficiency syndrome,  
15 amyotrophic lateral sclerosis, Parkinson's disease, multiple sclerosis,  
16 damage to the nervous tissue of the spinal cord with objective neurolog-  
17 ical indication of intractable spasticity, epilepsy, inflammatory bowel  
18 disease, neuropathies, Huntington's disease, post-traumatic stress  
19 disorder, pain that degrades health and functional capability where the  
20 use of medical cannabis is an alternative to opioid use, substance use  
21 disorder, Alzheimer's, muscular dystrophy, dystonia, rheumatoid arthri-  
22 tis, autism, any condition authorized as part of a cannabis research  
23 license, or any other condition as added by the executive director.

24 44. "Traffic in" includes to cultivate, process, manufacture, distrib-  
25 ute or sell any cannabis, adult-use cannabis product or medical cannabis  
26 at wholesale or retail.

1 45. "Terminally ill" means an individual has a medical prognosis that  
2 the individual's life expectancy is approximately one year or less if  
3 the illness runs its normal course.

4 46. "THC" means Delta-9-tetrahydrocannabinol; Delta-8-tetrahydrocanna-  
5 binol and the optical isomers of such substances.

6 47. "Total THC" means the sum of the percentage by weight of tetrahy-  
7 drocannabinolic acid multiplied by 0.877 plus the percentage by weight  
8 of THC.

9 48. "Wholesale sale" or "sale at wholesale" means a sale to any person  
10 for purposes of resale.

11 49. "Distributor" means any person who sells at wholesale any adult-  
12 use cannabis product, except medical cannabis, the sale of which a  
13 license is required under the provisions of this chapter.

14 50. "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 7. Establishment of an office of cannabis management.

19 8. Establishment of the cannabis control board.

20 9. Functions, powers and duties of the cannabis control board.

21 10. Executive director.

22 11. Functions, powers and duties of the office and executive  
23 director.

24 12. Rulemaking authority.

25 13. Deputies; employees.

26 14. Disposition of moneys received for license fees.

1           15. Violations of cannabis laws or regulations; penalties and  
2                   injunctions.

3           16. Formal hearings; notice and procedure.

4           17. Ethics, transparency and accountability.

5           18. Public health and education campaign.

6           19. Traffic safety oral fluid or other roadside detection method  
7                   pilot program.

8           20. Establish uniform policies and best practices.

9       § 7. Establishment of an office of cannabis management. There is here-  
10 by established, within the division of alcoholic beverage control, an  
11 independent office of cannabis management, which shall have exclusive  
12 jurisdiction to exercise the powers and duties provided by this chapter.  
13 The office shall exercise its authority by and through a cannabis  
14 control board and executive director.

15       § 8. Establishment of the cannabis control board.     1. The cannabis  
16 control board or "board" is created and shall consist of a chairperson  
17 with one vote, and four other voting board members, all of whom shall be  
18 citizens and residents of this state.

19       2. The governor shall appoint all members of the board, and shall  
20 designate one member to serve as chairperson. All members of the board  
21 shall serve for a term of three years and shall continue to serve in  
22 office until the expiration of their terms and until their successors  
23 are appointed and have qualified. The members, other than the chair-  
24 person, shall be compensated at a rate of two hundred sixty dollars per  
25 day when performing the work of the board, together with an allowance  
26 for actual and necessary expenses incurred in the discharge of their  
27 duties. No person shall be appointed to or employed by the board if,  
28 during the period commencing three years prior to appointment or employ-

1 ment, such person held any direct or indirect interest in, or employment  
2 by, any corporation, association or person engaged in regulated activity  
3 within the state. The chairperson shall also be designated as the execu-  
4 tive director of the office of cannabis management.

5 3. Prior to appointment or employment, each member, officer or employ-  
6 ee of the board shall swear or affirm that he or she possesses no inter-  
7 est in any corporation or association holding a license, registration,  
8 certificate or permit issued by the board. Thereafter, no member or  
9 officer of the board shall hold any direct interest in or be employed by  
10 any applicant for or by any corporation, association or person holding a  
11 license, registration, certificate or permit issued by the board for a  
12 period of four years commencing on the date his or her membership with  
13 the board terminates. Further, no employee of the board may acquire any  
14 direct or indirect interest in, or accept employment with, any applicant  
15 for or any person holding a license, registration, certificate or permit  
16 issued by the board for a period of two years commencing at the termi-  
17 nation of employment with the board. The board may, by resolution  
18 adopted by unanimous vote at a properly noticed public meeting, waive  
19 for good cause the pre-employment restrictions enumerated in this subdivi-  
20 sion for a prospective employee whose duties and responsibilities are  
21 not policy-making. Such adopted resolution shall state the reasons for  
22 waiving the pre-employment conditions for the prospective employee,  
23 including a finding that there were no other qualified candidates with  
24 the desired experience for the specified position.

25 4. Any member of the board may be removed by the governor for cause  
26 after notice and an opportunity to be heard. A statement of the cause  
27 for their removal shall be filed by the governor in the office of the  
28 secretary of state.

1 5. In the event of a vacancy caused by the death, resignation, removal  
2 or disability of any board member, the vacancy shall be filled in the  
3 same manner as the original appointment; provided that in such instance  
4 the governor may appoint a member of the board to serve as chairperson  
5 for the remainder of their term without consultation with the Senate and  
6 the Assembly.

7 6. A majority of the board members of the authority shall constitute a  
8 quorum for the purpose of conducting business, and a majority vote of  
9 those present shall be required for action.

10 7. The board shall meet as frequently as its business may require, and  
11 at least four times in each year. The board may enact and from time to  
12 time amend by-laws in relation to its meetings and the transactions of  
13 its business.

14 § 9. Functions, powers and duties of the cannabis control board. The  
15 cannabis control board shall have such powers and duties as are set  
16 forth in this chapter and shall:

17 1. approve the office's social and economic equity plan pursuant to  
18 section eighty-four of this chapter;

19 2. approve the type and number of available licenses issued by the  
20 office;

21 3. approve the opening of new license application periods and when new  
22 or additional licenses are made available;

23 4. approve the creation of any new type of license;

24 5. approve any price quotas or price controls set by the executive  
25 director as provided by this chapter;

26 6. at the request of the executive director, appoint advisory groups  
27 or committees necessary to provide assistance to the office to carry out  
28 the policy of the state and purpose of this chapter;

1 7. when an administrative decision is appealed by an applicant, regis-  
2 tered organization, licensee or permittee, issue a final determination  
3 of the office; and

4 8. promulgate any rules and regulations necessary to effectuate this  
5 chapter.

6 § 10. Executive director. The office shall exercise its authority,  
7 through its executive director. The executive director shall receive an  
8 annual salary within the amounts appropriated therefor.

9 § 11. Functions, powers and duties of the office and executive direc-  
10 tor. The office of cannabis management, by and through its executive  
11 director, shall have the following powers and duties:

12 1. To issue or refuse to issue any registration, license or permit  
13 provided for in this chapter.

14 2. To limit the number, scope, and/or availability of registrations,  
15 licenses and permits of each class to be issued within any political or  
16 geographic subdivision of the state, and in connection therewith to  
17 prohibit the acceptance of applications for such classes which have been  
18 so limited, as set out in regulation and approved by the board.

19 3. To revoke, cancel or suspend for cause any registration, license,  
20 or permit issued under this chapter and/or to impose a civil penalty for  
21 cause against any holder of a registration, license, or permit issued  
22 pursuant to this chapter or any person engaged in activities without a  
23 license or permit for which a license or permit is required by this  
24 chapter. Any civil penalty so imposed shall be in addition to and sepa-  
25 rate and apart from the terms and provisions of the bond required pursu-  
26 ant to section thirty-five of this chapter.

27 4. To fix by regulation the standards and requirements for the culti-  
28 vation, processing, packaging, marketing, and sale of medical cannabis,

1 adult-use cannabis and cannabinoid hemp, including but not limited to,  
2 the ability to regulate potency, excipients, and the types and forms of  
3 products which may be manufactured and/or processed, in order to ensure  
4 the health and safety of the public and the use of proper ingredients  
5 and methods in the manufacture of all cannabis and cannabinoid hemp to  
6 be sold or consumed in the state and to ensure that products are not  
7 packaged, marketed, or otherwise trafficked in a way which targets  
8 minors or promotes increased use or cannabis use disorders, as set out  
9 in regulation and approved by the board.

10 5. To limit or prohibit, at any time of public emergency and without  
11 previous notice or advertisement, the cultivation, processing, distrib-  
12 ution or sale of any or all adult-use cannabis products, medical canna-  
13 bis or cannabinoid hemp, for and during the period of such emergency.

14 6. To inspect or provide for the inspection at any time of any prem-  
15 ises where adult-use cannabis, medical cannabis or cannabinoid hemp is  
16 cultivated, processed, stored, distributed or sold including but not  
17 limited to compelling the production and review of all relevant business  
18 records and financial statements and corporate documents.

19 7. To prescribe forms of applications, criteria of review and method  
20 of selection or issuance for registrations, licenses and permits under  
21 this chapter and of all reports deemed necessary by the office.

22 8. To delegate the powers provided in this section to such other offi-  
23 cers or employees or other state agencies as may be deemed appropriate  
24 by the executive director, provided however, that any duty delegated to  
25 the executive director by the board shall not be further delegated with-  
26 out approval by the board.

27 9. To exercise the powers and perform the duties in relation to the  
28 administration of the office as are necessary but not specifically vest-

1 ed by this chapter, including but not limited to budgetary and fiscal  
2 matters.

3 10. To develop and establish minimum criteria for certifying employees  
4 to work in the cannabis industry, which may include the establishment of  
5 a cannabis workers certification program.

6 11. To enter into contracts, memoranda of understanding, and agree-  
7 ments as deemed appropriate by the executive director to effectuate the  
8 policy and purpose of this chapter.

9 12. To establish and implement a social and economic equity plan,  
10 subject to approval of the board, to ensure access to, and participation  
11 in, the cannabis industry by social equity and economic empowerment  
12 applicants as prescribed in section eighty-four of this chapter.

13 13. If the executive director finds that public health, safety, or  
14 welfare imperatively requires emergency action, and incorporates a find-  
15 ing to that effect in an order, summary suspension of a license or  
16 administrative hold of products and a product recall may be ordered,  
17 effective on the date specified in such order or upon service of a  
18 certified copy of such order on the licensee, whichever shall be later,  
19 pending proceedings for revocation or other action. These proceedings  
20 shall be promptly instituted and determined. In addition, the executive  
21 director may order the administrative seizure of product, issue a stop  
22 order, or take any other action necessary to effectuate and enforce the  
23 policy and purpose of this chapter.

24 14. To issue guidance and industry advisories.

25 15. To recommend that the state enter into tribal-state compacts with  
26 the New York state Indian nations and tribes, as defined by section two  
27 of the Indian law, authorizing such Indian nations or tribes to acquire,



1 possess, manufacture, sell, deliver, transport, distribute or dispense  
2 adult-use cannabis and/or medical cannabis.

3 16. To coordinate across state agencies and departments in order to  
4 research and study any changes in cannabis use and the impact that  
5 cannabis use and the regulated cannabis industry may have on access to  
6 cannabis products, public health, and public safety.

7 § 12. Rulemaking authority. 1. The board shall perform such acts,  
8 prescribe such forms and promulgate such rules, regulations and orders  
9 as it may deem necessary or proper to fully effectuate the provisions of  
10 this chapter, in accordance with the state administrative procedure act.

11 2. The board shall promulgate any and all necessary rules and regu-  
12 lations governing the production, processing, transportation, distrib-  
13 ution, marketing, advertising and sale of medical cannabis, adult-use  
14 cannabis and cannabinoid hemp, the registration of organizations author-  
15 ized to traffic in medical cannabis, the licensing and/or permitting of  
16 adult-use cannabis cultivators, processors, cooperatives, distributors,  
17 and retail dispensaries, and the licensing of cannabinoid hemp process-  
18 ors and retailers, including but not limited to:

19 (a) establishing application, registration, reinstatement, and renewal  
20 fees;

21 (b) the qualifications and selection criteria for registration,  
22 licensing, or permitting;

23 (c) the books and records to be created and maintained by registered  
24 organizations, licensees, and permittees, including the reports to be  
25 made thereon to the office, and inspection of any and all books and  
26 records maintained by any registered organization, licensee, or permit-  
27 tee and on the premise of any registered organization, licensee, or  
28 permittee;

1 (d) methods of producing, processing, and packaging adult-use canna-  
2 bis, medical cannabis, and cannabinoid hemp; conditions of sanitation,  
3 standards of ingredients, quality, and identity of adult-use cannabis  
4 and medical cannabis products cultivated, processed, packaged, or sold  
5 by registered organizations and licensees, and standards for the devices  
6 used to consume adult-use cannabis, medical cannabis and cannabinoid  
7 hemp;

8 (e) security requirements for adult-use cannabis retail dispensaries  
9 and premises where cannabis products or medical cannabis are cultivated,  
10 produced, processed, or stored, and safety protocols for registered  
11 organizations, licensees and their employees;

12 (f) hearing procedures and additional causes for cancellation, revoca-  
13 tion, and/or civil penalties against any person registered, licensed, or  
14 permitted by the office; and

15 (g) the circumstances under and manner and process by which an appli-  
16 cant, registered organization, licensee, or permittee, may apply to  
17 change or alter its previously submitted or approved owners, managers,  
18 members, directors, financiers, or interest holders.

19 3. The board shall promulgate rules and regulations to:

20 (a) prevent the distribution of adult-use cannabis to persons under  
21 twenty-one years of age including the marketing, packaging and branding  
22 of adult-use cannabis;

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 and inversion of adult-use cannabis and  
26 medical cannabis from this state to other states and from other states  
27 into this state insofar as cannabis remains federally prohibited;

1 (d) prevent cannabis activity that is legal under state law from being  
2 used as a cover or pretext for the trafficking of other illegal drugs or  
3 other illegal activity;

4 (e) prevent violence and the use of firearms in the cultivation and  
5 distribution of cannabis;

6 (f) prevent drugged driving and the exacerbation of other adverse  
7 public health consequences associated with the use of cannabis;

8 (g) prevent the growing of cannabis on public lands and the attendant  
9 public safety and environmental dangers posed by cannabis production on  
10 public lands;

11 (h) prevent the possession and use of adult-use cannabis and medical  
12 cannabis on federal property insofar as cannabis remains federally  
13 prohibited;

14 (i) regulate and restrict the use of cannabis and prohibit the traf-  
15 ficking of dangerous cannabis products in order to reduce the rate of  
16 cannabis abuse, cannabis dependency, cannabis use disorders, and other  
17 adverse public health and safety consequences of cannabis use;

18 (j) educate the public and at-risk populations about responsible  
19 cannabis use and the potential dangers of cannabis use;

20 (k) prevent predatory marketing and advertising practices targeted  
21 toward at-risk populations such as minors, pregnant or breastfeeding  
22 women, and demographics which disproportionately engage in higher rates  
23 of cannabis use and display higher rates of cannabis use disorders;

24 (l) notwithstanding any other section of state law, adopt rules and  
25 regulations based on federal guidance provided those rules and regu-  
26 lations are designed to comply with federal guidance and mitigate feder-  
27 al enforcement against the registrations, licenses, or permits issued  
28 under this chapter, or the cannabis industry as a whole. This may

1 include regulations which permit the sharing of licensee, registrant, or  
2 permit-holder information with designated banking or financial insti-  
3 tutions; and

4 (m) establish application, licensing, and permitting processes which  
5 ensure all material owners and interest holders are disclosed and that  
6 officials or other individuals with control over the approval of an  
7 application, permit, or license do not themselves have any interest in  
8 an application, license, or permit.

9 4. The board, 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 adult-use cannabis and medical cannabis, including but not limited to  
13 environmental and energy standards and restrictions on the use of pesti-  
14 cides.

15 5. The board shall have the authority to promulgate regulations  
16 governing the appropriate use and licensure of the manufacturing of  
17 cannabinoids, or other compounds contained within the cannabis plant,  
18 through any method other than planting, growing, cloning, harvesting, or  
19 other traditional means of plant agriculture.

20 § 13. Deputies; employees. 1. The executive director shall appoint a  
21 deputy director for health and safety who shall be a licensed health  
22 care practitioner within the state and who shall oversee all clinical  
23 aspects of the office. The executive director shall also appoint a depu-  
24 ty director for social and economic equity who shall oversee the social  
25 and economic equity plan. The executive director may appoint such other  
26 deputies as he or she deems necessary to fulfill the responsibilities of  
27 the office.

1 2. The executive director may appoint and remove from time to time, in  
2 accordance with law and any applicable rules of the state civil service  
3 commission, such additional employees, under such titles as the execu-  
4 tive director may assign, as the executive director may deem necessary  
5 for the efficient administration of the office. They shall perform such  
6 duties as the executive director shall assign to them. The compensation  
7 of such employees shall be within the amounts appropriated therefor.

8 3. Investigators employed by the office shall be deemed to be peace  
9 officers for the purpose of enforcing the provisions of this chapter or  
10 judgments or orders obtained for violation thereof, with all the powers  
11 set forth in section 2.20 of the criminal procedure law.

12 § 14. Disposition of moneys received for license fees. The office  
13 shall establish a scale of application, licensing, and renewal fees,  
14 based upon the cost of enforcing this chapter which may vary based on  
15 the nature, size, class, or scope of the cannabis business being  
16 licensed or the classification of the applicant, as follows:

17 1. The office shall charge each registered organization, licensee and  
18 permittee a registration, licensure or permit fee, and renewal fee, as  
19 applicable. The fees may vary depending upon the nature, size, class or  
20 scope of the different registration, licensure and permit activities, or  
21 the classification of the applicant.

22 2. The total fees assessed pursuant to this chapter may be set at an  
23 amount that will generate sufficient total revenue to fully cover the  
24 total costs of administering this chapter.

25 3. The office shall deposit all fees collected in the New York state  
26 cannabis revenue fund established pursuant to section ninety-nine-ii of  
27 the state finance law.

1 § 15. Violations of cannabis laws or regulations; penalties and  
2 injunctions. 1. A person who willfully violates any provision of this  
3 chapter, or any regulation lawfully made or established by any public  
4 officer under authority of this chapter, the punishment for violating  
5 which is not otherwise prescribed by this chapter or any other law, is  
6 punishable by a fine not exceeding five thousand dollars per violation,  
7 per day, or by both.

8 2. Any person who violates, disobeys or disregards any term or  
9 provision of this chapter or of any lawful notice, order or regulation  
10 pursuant thereto for which a civil penalty is not otherwise expressly  
11 prescribed by law, shall be liable to the people of the state for a  
12 civil penalty of not to exceed five thousand dollars per violation, per  
13 day.

14 3. The penalty provided for in subdivision one of this section may be  
15 recovered by an action brought by the executive director in any court of  
16 competent jurisdiction.

17 4. Nothing in this section shall be construed to alter or repeal any  
18 existing provision of law declaring such violations to be misdemeanors  
19 or felonies or prescribing the penalty therefor.

20 5. Such civil penalty may be released or compromised by the executive  
21 director before the matter has been referred to the attorney general,  
22 and where such matter has been referred to the attorney general, any  
23 such penalty may be released or compromised and any action commenced to  
24 recover the same may be settled and discontinued by the attorney general  
25 with the consent of the executive director.

26 6. It shall be the duty of the attorney general upon the request of  
27 the executive director to bring an action for an injunction against any  
28 person who violates, disobeys or disregards any term or provision of

1 this chapter or of any lawful notice, order or regulation pursuant ther-  
2 eto; provided, however, that the executive director shall furnish the  
3 attorney general with such material, evidentiary matter or proof as may  
4 be requested by the attorney general for the prosecution of such an  
5 action.

6 7. It is the purpose of this section to provide additional and cumula-  
7 tive remedies, and nothing herein contained shall abridge or alter  
8 rights of action or remedies now or hereafter existing, nor shall any  
9 provision of this section, nor any action done by virtue of this  
10 section, be construed as estopping the state, persons or municipalities  
11 in the exercising of their respective rights.

12 § 16. Formal hearings; notice and procedure. 1. The board, or any  
13 person designated by the board for this purpose, may issue subpoenas and  
14 administer oaths in connection with any hearing or investigation under  
15 or pursuant to this chapter, and it shall be the duty of the board and  
16 any persons designated by the board for such purpose to issue subpoenas  
17 at the request of and upon behalf of the respondent.

18 2. The board and those designated by the board shall not be bound by  
19 the laws of evidence in the conduct of hearing proceedings, but the  
20 determination shall be founded upon substantial evidence to sustain it.

21 3. Notice of hearing shall be served at least fifteen days prior to  
22 the date of the hearing, provided that, whenever because of danger to  
23 the public health, safety or welfare it appears prejudicial to the  
24 interests of the people of the state to delay action for fifteen days,  
25 the executive director may serve the respondent with an order requiring  
26 certain action or the cessation of certain activities immediately or  
27 within a specified period of less than fifteen days.

1 4. Service of notice of hearing or order shall be made by personal  
2 service or by registered or certified mail. Where service, whether by  
3 personal service or by registered or certified mail, is made upon an  
4 incompetent, partnership, or corporation, it shall be made upon the  
5 person or persons designated to receive personal service by article  
6 three of the civil practice law and rules.

7 5. At a hearing, the respondent may appear personally, shall have the  
8 right of counsel, and may cross-examine witnesses against him or her and  
9 produce evidence and witnesses in his or her behalf.

10 6. Following a hearing, the board or its designee may make appropriate  
11 determinations and issue a final order in accordance therewith.

12 7. The board may adopt, amend and repeal administrative rules and  
13 regulations governing the procedures to be followed with respect to  
14 hearings, such rules to be consistent with the policy and purpose of  
15 this chapter and the effective and fair enforcement of its provisions.

16 8. The provisions of this section shall be applicable to all hearings  
17 held pursuant to this chapter, except where other provisions of this  
18 chapter applicable thereto are inconsistent therewith, in which event  
19 such other provisions shall apply.

20 § 17. Ethics, transparency and accountability. Except as authorized by  
21 the board no member of the office or any officer, deputy, assistant,  
22 inspector or employee thereof shall have any interest, direct or indi-  
23 rect, either proprietary or by means of any loan, mortgage or lien, or  
24 in any other manner, in or on any premises registered, licensed or  
25 permitted under this chapter; nor shall they have any interest, direct  
26 or indirect, in any business wholly or substantially devoted to the  
27 cultivation, processing, distribution, sale, transportation, marketing,  
28 testing, or storage of adult-use cannabis, medical cannabis or cannabi-



1 noid hemp, or own any stock in any corporation which has any interest,  
2 proprietary or otherwise, direct or indirect, in any premises where  
3 adult-use cannabis, medical cannabis or cannabinoid hemp is cultivated,  
4 processed, distributed or sold, or in any business wholly or partially  
5 devoted to the cultivation, processing, distribution, sale, transporta-  
6 tion or storage of adult-use cannabis, medical cannabis or cannabinoid  
7 hemp, or receive any commission or profit whatsoever, direct or indi-  
8 rect, from any person applying for, receiving, managing or operating any  
9 license or permit provided for in this chapter, or hold any other  
10 elected or appointed public office in the state or in any political  
11 subdivision to which a registered organization, licensee, permittee or  
12 applicant would appear. Anyone who violates any of the provisions of  
13 this section shall be removed or shall divest him or herself of such  
14 direct or indirect interests.

15 § 18. Public health and education campaign. The office, in consulta-  
16 tion with the commissioners of the department of health, office of  
17 addiction services and supports, and office of mental health, shall  
18 develop and implement a comprehensive public health monitoring, surveil-  
19 lance and education campaign regarding the legalization of adult-use  
20 cannabis and the impact of cannabis use on public health and safety.  
21 The public health and education campaign shall also include general  
22 education to the public about the cannabis law.

23 § 19. Traffic safety oral fluid or other roadside detection method  
24 pilot program. The office, in consultation with the commissioner of the  
25 department of motor vehicles and the superintendent of the state police,  
26 shall develop and implement a workgroup together with other states to  
27 outline goals and standard operating procedures for a statewide or  
28 regional oral fluid or other roadside detection pilot program. The work-

1 group may include, but not be limited to, representatives from district  
2 attorney offices, local and county police departments, and other rele-  
3 vant public safety experts.

4 § 20. Establish uniform policies and best practices. The office shall  
5 engage in activities with other states, territories, or jurisdictions in  
6 order to coordinate and establish, uniform policies and best practices  
7 in cannabis regulation. These activities shall prioritize coordination  
8 with neighboring and regional states, and may include, but not be limit-  
9 ed to establish working groups related to laboratory testing, products  
10 safety, taxation, road safety, compliance and adherence with federal  
11 policies which promote or facilitate cannabis research, commerce and/or  
12 regulation, and any other issues identified by the executive director.  
13 The executive director may enter into any contracts, or memoranda of  
14 understanding necessary to effectuate this provision.

15 ARTICLE 3

16 MEDICAL CANNABIS

17 Section 30. Certification of patients.

18 31. Lawful medical use.

19 32. Registry identification cards.

20 33. Registration as a designated caregiver facility.

21 34. Registered organizations.

22 35. Registering of registered organizations.

23 36. Intentionally omitted.

24 37. Reports of registered organizations.

25 38. Evaluation; research programs; report by office.

26 39. Cannabis research license.

27 40. Registered organizations and adult-use cannabis.

- 1 41. Intentionally omitted.
- 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 any  
7 approved form of medical cannabis the patient should consume, including  
8 the method of consumption and any particular strain, variety, and quan-  
9 tity or percentage of cannabis or particular active ingredient, and  
10 appropriate dosage. The practitioner may state in the certification any  
11 recommendation or limitation the practitioner makes, in his or her  
12 professional opinion, concerning the appropriate form or forms of  
13 medical cannabis and dosage.

14 4. Every practitioner shall consult the prescription monitoring  
15 program registry prior to making or issuing a certification, for the  
16 purpose of reviewing a patient's controlled substance history. For  
17 purposes of this section, a practitioner may authorize a designee to  
18 consult the prescription monitoring program registry on his or her  
19 behalf, provided that such designation is in accordance with section  
20 thirty-three hundred forty-three-a of the public health law.

21 5. The practitioner shall give the certification to the certified  
22 patient, and place a copy in the patient's health care record.

23 6. No practitioner shall issue a certification under this section for  
24 himself or herself.

25 7. A registry identification card based on a certification shall  
26 expire one year after the date the certification is signed by the prac-  
27 titioner.

1 8. (a) If the practitioner states in the certification that, in the  
2 practitioner's professional opinion, the patient would benefit from  
3 medical cannabis only until a specified earlier date, then the registry  
4 identification card shall expire on that date; (b) if the practitioner  
5 states in the certification that in the practitioner's professional  
6 opinion the patient is terminally ill and that the certification shall  
7 not expire until the patient dies, then the registry identification card  
8 shall state that the patient is terminally ill and that the registration  
9 card shall not expire until the patient dies; (c) if the practitioner  
10 re-issues the certification to terminate the certification on an earlier  
11 date, then the registry identification card shall expire on that date  
12 and shall be promptly destroyed by the certified patient; (d) if the  
13 certification so provides, the registry identification card shall state  
14 any recommendation or limitation by the practitioner as to the form or  
15 forms of medical cannabis or dosage for the certified patient; and (e)  
16 the board shall make regulations to implement this subdivision.

17 9. A practitioner who offers patient certification shall not have any  
18 business relationship with, or own any stock in any corporation which  
19 has any interest, proprietary or otherwise, direct or indirect, in any  
20 registered organization, or other business or premises where medical  
21 cannabis is cultivated, processed, distributed or sold. This provision  
22 shall not be construed to prohibit a practitioner who offers patient  
23 certification from providing their medical expertise to, or engaging in  
24 medical cannabis research with, a registered organization or a licensee  
25 that traffics in medical cannabis provided that the practitioner is not  
26 compensated for or offered any consideration for these educational or  
27 research activities.

1 § 31. Lawful medical use. The possession, acquisition, use, delivery,  
2 transfer, transportation, or administration of medical cannabis by a  
3 certified patient, designated caregiver or designated caregiver facili-  
4 ty, for certified medical use, shall be lawful under this article  
5 provided that:

6 (a) the cannabis that may be possessed by a certified patient shall  
7 not exceed quantities determined by the board in regulation;

8 (b) the cannabis that may be possessed by designated caregivers does  
9 not exceed the quantities determined by the executive director under  
10 paragraph (a) of this subdivision for any certified patient for whom the  
11 caregiver is issued a valid registry identification card;

12 (c) the cannabis that may be possessed by designated caregiver facili-  
13 ties does not exceed the quantities determined by the board under para-  
14 graph (a) of this subdivision for each certified patient under the care  
15 or treatment of the facility;

16 (d) the form or forms of medical cannabis that may be possessed by the  
17 certified patient, designated caregiver or designated caregiver facility  
18 pursuant to a certification shall be in compliance with any recommenda-  
19 tion or limitation by the practitioner as to the form or forms of  
20 medical cannabis or dosage for the certified patient in the certif-  
21 ication and consistent with any guidance or limitation issued by the  
22 executive director or regulation issued by the board; and

23 (e) the medical cannabis shall be kept in the original package in  
24 which it was dispensed under this article, except for the portion  
25 removed for immediate consumption for certified medical use by the  
26 certified patient.

27 § 32. Registry identification cards. 1. Upon approval of the certif-  
28 ication, the office shall issue registry identification cards for certi-

1 fied patients and designated caregivers. A registry identification card  
2 shall expire as provided in this article or as otherwise provided in  
3 this section. The office shall begin issuing registry identification  
4 cards as soon as practicable after the certifications required by this  
5 chapter are granted. The office may specify a form for a registry appli-  
6 cation, in which case the office shall provide the form on request,  
7 reproductions of the form may be used, and the form shall be available  
8 for downloading from the office's website.

9 2. To obtain, amend or renew a registry identification card, a certi-  
10 fied patient or designated caregiver shall file a registry application  
11 with the office, unless otherwise exempted by the executive director.  
12 The registry application or renewal application shall include such  
13 information as prescribed by the office which shall include but not be  
14 limited to:

15 (a) in the case of a certified patient:

16 (i) the patient's certification, a new written certification shall be  
17 provided with a renewal application if required by the office;

18 (ii) the name, address, and date of birth of the patient;

19 (iii) the date of the certification;

20 (iv) if the patient has a registry identification card based on a  
21 current valid certification, the registry identification number and  
22 expiration date of that registry identification card;

23 (v) the specified date until which the patient would benefit from  
24 medical cannabis, if the certification states such a date;

25 (vi) the name, address, and telephone number of the certifying practi-  
26 tioner;

27 (vii) any recommendation or limitation by the practitioner as to the  
28 form or forms of medical cannabis or dosage for the certified patient;

1 (viii) if the certified patient applies to designate a designated  
2 caregiver, the name, address, and date of birth of the designated care-  
3 giver, and other individual identifying information required by the  
4 office; and

5 (ix) other individual identifying information required by the office;

6 (b) in the case of a designated caregiver:

7 (i) the name, address, and date of birth of the designated caregiver;

8 (ii) if the designated caregiver has a registry identification card,  
9 the registry identification number and expiration date of that registry  
10 identification card; and

11 (iii) other individual identifying information required by the office;

12 (c) a statement that a false statement made in the application is  
13 punishable under section 210.45 of the penal law;

14 (d) the date of the application and the signature of the certified  
15 patient or designated caregiver, as the case may be;

16 (e) any other requirements determined by the executive director.

17 3. Where a certified patient is under the age of eighteen or otherwise  
18 incapable of consent:

19 (a) The application for a registry identification card shall be made  
20 by an appropriate person over eighteen years of age. The application  
21 shall state facts demonstrating that the person is appropriate.

22 (b) The designated caregiver shall be: (i) a parent or legal guardian  
23 of the certified patient; (ii) a person designated by a parent or legal  
24 guardian; (iii) a designated caregiver facility; or (iv) an appropriate  
25 person approved by the office upon a sufficient showing that no parent  
26 or legal guardian is appropriate or available.

27 4. No person may be a designated caregiver if the person is under  
28 twenty-one years of age unless a sufficient showing is made to the



1 office that the person should be permitted to serve as a designated  
2 caregiver. The requirements for such a showing shall be determined by  
3 the executive director.

4 5. No person may be a designated caregiver for more than one certified  
5 patient at one time, unless approved by the office. The office may allow  
6 a designated caregiver to serve more than one patient in cases where  
7 additional designating patients are immediate family members, in the  
8 immediate and continuous care of the caregiver, or satisfy other eligi-  
9 bility requirements determined by the board in regulation.

10 6. If a certified patient wishes to change or terminate his or her  
11 designated caregiver, for whatever reason, the certified patient shall  
12 notify the office as soon as practicable. The office shall issue a  
13 notification to the designated caregiver that their registration card is  
14 invalid and must be promptly destroyed. The newly designated caregiver  
15 must comply with all requirements set forth in this section.

16 7. If the certification so provides, the registry identification card  
17 shall contain any recommendation or limitation by the practitioner as to  
18 the form or forms of medical cannabis or dosage for the certified  
19 patient.

20 8. The office shall issue separate registry identification cards for  
21 certified patients and designated caregivers as soon as reasonably prac-  
22 ticable after receiving and approving a complete application under this  
23 section, unless it determines that the application is incomplete, factu-  
24 ally inaccurate, or fails to satisfy any applicable regulation, in which  
25 case it shall promptly notify the applicant.

26 9. If the application of a certified patient designates an individual  
27 as a designated caregiver who is not authorized to be a designated care-

1 giver, that portion of the application shall be denied by the office but  
2 that shall not affect the approval of the balance of the application.

3 10. A registry identification card shall:

4 (a) contain the name of the certified patient or the designated care-  
5 giver as the case may be;

6 (b) contain the date of issuance and expiration date, as applicable,  
7 of the registry identification card;

8 (c) contain a registry identification number for the certified patient  
9 or designated caregiver, as the case may be and a registry identifica-  
10 tion number;

11 (d) contain a photograph of the individual to whom the registry iden-  
12 tification card is being issued, which shall be obtained by the office  
13 in a manner specified by the executive director; provided, however, that  
14 if the office requires certified patients to submit photographs for this  
15 purpose, there shall be a reasonable accommodation of certified patients  
16 who are confined to their homes due to their medical conditions and may  
17 therefore have difficulty procuring photographs;

18 (e) be a secure document as determined by the office;

19 (f) plainly state any recommendation or limitation by the practitioner  
20 as to the form or forms of medical cannabis or dosage for the certified  
21 patient; and

22 (g) contain any other requirements determined by the executive direc-  
23 tor.

24 11. A certified patient or designated caregiver who has been issued a  
25 registry identification card shall notify the office of any change in  
26 his or her name or address or, with respect to the patient, if he or she  
27 ceases to have the serious condition noted on the certification within  
28 ten days of such change. The certified patient's or designated

1 caregiver's registry identification card shall be deemed invalid and  
2 shall be promptly destroyed.

3 12. If a certified patient or designated caregiver loses his or her  
4 registry identification card, he or she shall notify the office within  
5 ten days of losing the card. The office shall issue a new registry iden-  
6 tification card as soon as practicable, which may contain a new registry  
7 identification number, to the certified patient or designated caregiver,  
8 as the case may be.

9 13. The office shall maintain a confidential list of the persons to  
10 whom it has issued registry identification cards. Individual identifying  
11 information obtained by the office under this article shall be confiden-  
12 tial and exempt from disclosure under article six of the public officers  
13 law. Notwithstanding this subdivision, the office may notify any appro-  
14 priate law enforcement agency of information relating to any violation  
15 or suspected violation of this article.

16 14. The office shall verify to law enforcement personnel in an appro-  
17 priate case whether a registry identification card is valid and any  
18 other information necessary to protect patients' rights to medical  
19 cannabis by confirming compliance with this article.

20 15. If a certified patient or designated caregiver willfully violates  
21 any provision of this article or regulations promulgated hereunder as  
22 determined by the executive director, his or her certification and  
23 registry identification card may be suspended or revoked. This is in  
24 addition to any other penalty that may apply.

25 § 33. Registration as a designated caregiver facility. 1. To obtain,  
26 amend or renew a registration as a designated caregiver facility, the  
27 facility shall file a registry application with the office. The registry  
28 application or renewal application shall include:

- 1 (a) the facility's full name and address;
- 2 (b) operating certificate or license number where appropriate;
- 3 (c) name, title, and signature of an authorized facility represen-
- 4 tative;
- 5 (d) a statement that the facility agrees to secure and ensure proper
- 6 handling of all medical cannabis products;
- 7 (e) an acknowledgement that a false statement in the application is
- 8 punishable under section 210.45 of the penal law; and
- 9 (f) any other information that may be required by the executive direc-
- 10 tor.

11 2. Prior to issuing or renewing a designated caregiver facility regis-

12 tration, the office may verify the information submitted by the appli-

13 cant. The applicant shall provide, at the office's request, such infor-

14 mation and documentation, including any consents or authorizations that

15 may be necessary for the office to verify the information.

16 3. The office shall approve, deny or reject an initial or renewal

17 application. If the application is approved within the 30-day period,

18 the office shall issue a registration as soon as is reasonably practica-

19 ble.

20 4. Registrations issued under this section shall remain valid for two

21 years from the date of issuance.

22 § 34. Registered organizations. 1. A registered organization shall be

23 a for-profit business entity or not-for-profit corporation organized for

24 the purpose of acquiring, possessing, manufacturing, selling, deliver-

25 ing, transporting, distributing, or dispensing cannabis for certified

26 medical use, in accordance with minimum operating and recordkeeping

27 requirements determined by the board in regulation.

1 2. The acquiring, possession, manufacture, testing, sale, delivery,  
2 transporting, distributing, or dispensing of medical cannabis by a  
3 registered organization under this article in accordance with its regis-  
4 tration under this article or a renewal thereof shall be lawful under  
5 this chapter.

6 3. Each registered organization shall contract with an independent  
7 laboratory permitted by the office to test the medical cannabis produced  
8 by the registered organization. The executive director, in consultation  
9 with the commissioner of health, shall approve the laboratory used by  
10 the registered organization, including but not limited to sampling and  
11 testing protocols and standards used by the laboratory, and may require  
12 that the registered organization use a particular testing laboratory.

13 4. (a) A registered organization may only sell, deliver, distribute,  
14 or dispense medical cannabis to a certified patient or designated care-  
15 giver upon presentation to the registered organization of valid iden-  
16 tification for that certified patient or designated caregiver. When  
17 presented with the registry identification card, the registered organ-  
18 ization shall provide to the certified patient or designated caregiver a  
19 receipt, which shall state: the name, address, and registry identifica-  
20 tion number of the registered organization; the name and registry iden-  
21 tification number of the certified patient and the designated caregiver,  
22 if any; the date the cannabis was sold; any recommendation or limitation  
23 by the practitioner as to the form or forms of medical cannabis or  
24 dosage for the certified patient; and the form and the quantity of  
25 medical cannabis sold. The registered organization shall retain a copy  
26 of the registry identification card and the receipt for six years, and  
27 shall make such records available to the office upon demand.

1 (b) The proprietor of a registered organization shall file or cause to  
2 be filed any receipt and certification information with the office by  
3 electronic means on a real-time basis as the executive director may  
4 require. When filing receipt and certification information electron-  
5 ically pursuant to this paragraph, the proprietor of the registered  
6 organization shall dispose of any electronically recorded prescription  
7 information in such manner as the executive director shall require.

8 5. (a) No registered organization may sell, deliver, distribute or  
9 dispense to any certified patient or designated caregiver a quantity of  
10 medical cannabis larger than that individual would be allowed to possess  
11 as set out in regulation by the board.

12 (b) When dispensing medical cannabis to a certified patient or desig-  
13 nated caregiver, the registered organization: (i) shall not dispense an  
14 amount greater than an amount established by the board in regulation;  
15 and (ii) shall verify the information in subparagraph (i) of this para-  
16 graph by consulting the prescription monitoring program registry under  
17 this article.

18 (c) Medical cannabis dispensed to a certified patient or designated  
19 caregiver by a registered organization shall conform to any recommenda-  
20 tion or limitation by the practitioner as to the form or forms of  
21 medical cannabis or dosage for the certified patient, and any medical  
22 cannabis product or form limitations or restrictions determined by the  
23 executive director.

24 6. When a registered organization sells, delivers, distributes or  
25 dispenses medical cannabis to a certified patient or designated caregiv-  
26 er, it shall provide to that individual a safety insert, which may be  
27 developed by the registered organization and shall include, but not be  
28 limited to, information on:

- 1 (a) methods for administering medical cannabis in individual doses,
- 2 (b) any potential dangers stemming from the use of medical cannabis,
- 3 (c) how to recognize what may be problematic usage of medical cannabis
- 4 and obtain appropriate services or treatment for problematic usage, and
- 5 (d) other information as determined by the executive director.

6 7. Registered organizations shall not be managed by or employ anyone  
7 who has been convicted of any felony other than for the sale or  
8 possession of drugs, narcotics, or controlled substances, and provided  
9 that this subdivision only applies to (a) managers or employees who come  
10 into contact with or handle medical cannabis, and (b) a conviction less  
11 than ten years, not counting time spent in incarceration, prior to being  
12 employed, for which the person has not received a certificate of relief  
13 from disabilities, a certificate of good conduct under article twenty-  
14 three of the correction law, or an executive pardon.

15 8. Manufacturing of medical cannabis by a registered organization  
16 shall only be done in a secure facility located in New York state, which  
17 may include a greenhouse. The board shall promulgate regulations estab-  
18 lishing requirements for such facilities.

19 9. Dispensing of medical cannabis by a registered organization shall  
20 only be done in an indoor, enclosed, secure facility located in New York  
21 state. The board shall promulgate regulations establishing requirements  
22 for such facilities.

23 10. A registered organization shall determine the quality, safety, and  
24 clinical strength of medical cannabis manufactured or dispensed by the  
25 registered organization, and shall provide documentation of that quali-  
26 ty, safety and clinical strength to the office and to any person or  
27 entity to which the medical cannabis is sold or dispensed.

1 11. A registered organization shall be deemed to be a "health care  
2 provider" for the purposes of title two-D of article two of the public  
3 health law.

4 12. Medical cannabis shall be dispensed to a certified patient or  
5 designated caregiver in a sealed and properly labeled package as deter-  
6 mined by the executive director. The labeling shall contain: (a) the  
7 information required to be included in the receipt provided to the  
8 certified patient or designated caregiver by the registered organiza-  
9 tion; (b) the packaging date; (c) any applicable date by which the  
10 medical cannabis should be used; (d) a warning stating, "This product is  
11 for medicinal use only. Women should not consume during pregnancy or  
12 while breastfeeding except on the advice of the certifying health care  
13 practitioner, and in the case of breastfeeding mothers, including the  
14 infant's pediatrician. This product might impair the ability to drive.  
15 Keep out of reach of children."; (e) the amount of individual doses  
16 contained within; (f) a warning that the medical cannabis must be kept  
17 in the original container in which it was dispensed; and (g) any other  
18 information required by the office.

19 13. The board is authorized to make rules and regulations restricting  
20 the advertising and marketing of medical cannabis.

21 14. The board is authorized to make rules and regulations regulating  
22 the packaging, labeling, form and method of administration or ingestion,  
23 branding and marketing of medical cannabis products to prohibit acci-  
24 dental or overconsumption.

25 § 35. Registering of registered organizations. 1. Application for  
26 initial registration. (a) An applicant for registration as a registered  
27 organization under section thirty-four of this article shall include



1 such information prepared in such manner and detail as the executive  
2 director may require, including but not limited to:

3 (i) a description of the activities in which it intends to engage as a  
4 registered organization;

5 (ii) that the applicant:

6 (A) is of good moral character;

7 (B) possesses or has the right to use sufficient land, buildings, and  
8 other premises, which shall be specified in the application, and equip-  
9 ment to properly carry on the activity described in the application, or  
10 in the alternative posts a bond of not less than two million dollars;

11 (C) is able to maintain effective security and control to prevent  
12 diversion, abuse, and other illegal conduct relating to the cannabis;  
13 and

14 (D) is able to comply with all applicable state laws and regulations  
15 relating to the activities in which it is applying to engage in under  
16 the registration;

17 (iii) that the applicant has entered into a labor peace agreement with  
18 a bona fide labor organization that is actively engaged in representing  
19 or attempting to represent the applicant's employees and the maintenance  
20 of such a labor peace agreement shall be an ongoing material condition  
21 of certification;

22 (iv) the applicant's status as a for-profit business entity or not-  
23 for-profit corporation; and

24 (v) the application shall include the name, residence address and  
25 title of each of the officers and directors and the name and residence  
26 address of any person or entity that is a member of the applicant  
27 including those of the applicant's parent companies, subsidiaries or  
28 affiliates. Each such person, if an individual, or lawful represen-

1 tative if a legal entity, shall submit an affidavit with the application  
2 setting forth:

3 (A) any position of management, interest, or ownership during the  
4 preceding ten years of a ten per centum or greater interest in any other  
5 cannabis business or applicant, located in or outside of this state,  
6 manufacturing or distributing drugs, including indirect interest manage-  
7 ment or ownership of parent companies, subsidiaries, or affiliates;

8 (B) whether such person or any such business has had a cannabis busi-  
9 ness application denied or withdrawn or been convicted of a felony or  
10 had a registration or license subject to administrative action, includ-  
11 ing but not limited to violations, penalties, or consent agreements, or  
12 had any registration or license suspended or revoked in any administra-  
13 tive or judicial proceeding; and

14 (C) such other information as the executive director may reasonably  
15 require to enforce the licensing restrictions of this chapter.

16 2. The applicant shall be under a continuing duty to obtain approval  
17 from the office prior to any material changes in ownership, management,  
18 or financial or managerial interest, or prior to substantive operational  
19 changes, and to disclose any change in facts or circumstances reflected  
20 in the application or any newly discovered or occurring fact or circum-  
21 stance which is required to be included in the application.

22 3. (a) The executive director may grant a registration, approve one or  
23 more activities permitted under a registration, or grant a requested  
24 amendment to a registration under this section if they are satisfied  
25 that:

26 (i) the applicant will be able to maintain effective control against  
27 diversion of cannabis;

1 (ii) the applicant will be able to comply with all applicable state  
2 laws and regulations;

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 state or area's patient  
13 need and demand;

14 (B) whether the registered organization is a minority and/or woman  
15 owned business enterprise or a service-disabled veteran-owned business;

16 (C) whether the registered organization provides education and  
17 outreach to practitioners;

18 (D) whether the registered organization promotes the research and  
19 development of medical cannabis and/or patient outreach; and

20 (E) the affordability medical cannabis products offered by the regis-  
21 tered organization;

22 (vi) the applicant and its managing officers and interest holders are  
23 of good moral character and have demonstrated a record and history of  
24 compliance with cannabis laws and regulations in the jurisdictions where  
25 they operate or have operated cannabis licenses and/or registrations;

26 (vii) the applicant has entered into a labor peace agreement with a  
27 bona fide labor organization that is actively engaged in representing or  
28 attempting to represent the applicant's employees; and the maintenance

1 of such a labor peace agreement shall be an ongoing material condition  
2 of registration; and

3 (viii) the applicant satisfies any other conditions as determined by  
4 the executive director.

5 (b) If the executive director is not satisfied that the applicant  
6 should be issued a registration or granted approval to amend an existing  
7 registration, he or she shall notify the applicant in writing of those  
8 factors upon which the denial is based. Within thirty days of the  
9 receipt of such notification, the applicant may submit a written request  
10 to the board to appeal the decision.

11 (c) The fee for a registration under this section shall be an amount  
12 determined by the office in regulations.

13 (d) Registrations issued under this section shall be effective only  
14 for the registered organization and shall specify:

15 (i) the name and address of the registered organization;

16 (ii) which activities of a registered organization are permitted by  
17 the registration;

18 (iii) the land, buildings and facilities that may be used for the  
19 permitted activities of the registered organization; and

20 (iv) such other information as the executive director shall reasonably  
21 provide to assure compliance with this article.

22 (e) Upon application of a registered organization, a registration may  
23 be amended to allow the registered organization to relocate within the  
24 state or to add or delete permitted registered organization activities  
25 or facilities. The fee for such amendment request shall be determined by  
26 the executive director.

27 4. A registration issued under this section shall be valid for two  
28 years from the date of issue.

1 5. (a) An application for the renewal of any registration issued  
2 under this section shall be filed with the office not more than six  
3 months nor less than four months prior to the expiration thereof. A  
4 late-filed application for the renewal of a registration may, in the  
5 discretion of the executive director, be treated as an application for  
6 an initial license.

7 (b) The application for renewal shall include such information  
8 prepared in the manner and detail as the executive director may require,  
9 including but not limited to:

10 (i) any material change in the circumstances or factors listed in  
11 subdivision one of this section; and

12 (ii) every known charge or investigation, pending or concluded during  
13 the period of the registration, by any governmental or administrative  
14 agency with respect to:

15 (A) each incident or alleged incident involving the theft, loss, or  
16 possible diversion of cannabis manufactured or distributed by the appli-  
17 cant; and

18 (B) compliance by the applicant with the laws of any state or territo-  
19 ry with respect to the cultivation, manufacture, distribution or sale of  
20 adult-use cannabis or medical cannabis.

21 (c) An applicant for renewal shall be under a continuing duty to  
22 report to the office any change in facts or circumstances reflected in  
23 the application or any newly discovered or occurring fact or circum-  
24 stance which is required to be included in the application, and to  
25 obtain approval prior to any material change in ownership interest,  
26 management or operations.

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 and regu-  
13 lations applicable to the registration application and activities in  
14 which it may engage under the registration;

15 (iii) it is not in the public interest to renew the registration  
16 because the number of registered organizations in an area is excessive  
17 to reasonably serve the state or area and patient need;

18 (iv) the applicant has either violated or terminated its labor peace  
19 agreement; or

20 (v) the applicant has substantively violated this chapter, regulations  
21 promulgated thereunder, or the laws of another jurisdiction in which  
22 they operate or have operated a cannabis license or registration.

23 (b) For purposes of this section, proof that a registered organiza-  
24 tion, during the period of its registration, has failed to maintain  
25 effective control against diversion, violated any provision of this  
26 article, or has knowingly or negligently failed to comply with applica-  
27 ble state laws relating to the activities in which it engages under the  
28 registration, may constitute grounds for suspension, revocation or limi-

1 tation of the registered organization's registration or as determined by  
2 the executive director. The registered organization shall also be under  
3 a continuing duty to report to the office and obtain prior approval for  
4 any material change or fact or circumstance to the information provided  
5 in the registered organization's application.

6 7. The office may suspend or revoke the registration of a registered  
7 organization, on grounds and using procedures under this article relat-  
8 ing to a license, to the extent consistent with this article. The  
9 office shall suspend or revoke the registration in the event that a  
10 registered organization violates or terminates the applicable labor  
11 peace agreement. Conduct in compliance with this article which may  
12 violate conflicting federal law, shall not in and of itself be grounds  
13 to suspend or terminate a registration.

14 8. The office shall begin issuing registrations for registered organ-  
15 izations as soon as practicable after the certifications required by  
16 this article are given.

17 9. The office shall register at least ten registered organizations  
18 that manufacture medical cannabis with no more than four dispensing  
19 sites wholly owned and operated by such registered organization. The  
20 executive director shall ensure that such registered organization,  
21 dispensing sites or approved delivery activities are geographically  
22 distributed across the state to satisfy patient and program need. The  
23 executive director may register additional registered organizations.

24 § 36. Intentionally omitted.

25 § 37. Reports of registered organizations. 1. The executive director  
26 shall require each registered organization to file reports by the regis-  
27 tered organization during a particular period. The executive director

1 shall determine the information to be reported and the forms, time, and  
2 manner of the reporting.

3 2. The executive director shall require each registered organization  
4 to adopt and maintain security, tracking, record keeping, record  
5 retention and surveillance systems, relating to all medical cannabis at  
6 every stage of acquiring, possession, manufacture, sale, delivery,  
7 transporting, distributing, or dispensing by the registered organiza-  
8 tion, subject to regulations of the board.

9 § 38. Evaluation; research programs; report by office. 1. The execu-  
10 tive director may provide for the analysis and evaluation of the opera-  
11 tion of this article. The executive director may enter into agreements  
12 with one or more persons, not-for-profit corporations or other organiza-  
13 tions, for the performance of an evaluation of, or to aid in, the imple-  
14 mentation and effectiveness of this article.

15 2. The office may develop, seek any necessary federal approval for,  
16 and carry out research programs relating to medical use of cannabis.  
17 Participation in any such research program shall be voluntary on the  
18 part of practitioners, patients, and designated caregivers.

19 3. The office shall report every two years, beginning two years after  
20 the effective date of this chapter, to the governor and the legislature  
21 on the medical use of cannabis under this article and make appropriate  
22 recommendations.

23 § 39. Cannabis research license. 1. The board shall establish a  
24 cannabis research license that permits a licensee to produce, process,  
25 purchase and/or possess cannabis for the following limited research  
26 purposes:

27 (a) to test chemical potency and composition levels;



1 (b) to conduct clinical investigations of cannabis-derived drug  
2 products;

3 (c) to conduct research on the efficacy and safety of administering  
4 cannabis as part of medical treatment; and

5 (d) to conduct genomic or agricultural research.

6 2. As part of the application process for a cannabis research license,  
7 an applicant shall submit to the office a description of the research  
8 that is intended to be conducted as well as the amount of cannabis to be  
9 grown or purchased. The office shall review an applicant's research  
10 project and determine whether it meets the requirements of subdivision  
11 one of this section. In addition, the office shall assess the applica-  
12 tion based on the following criteria:

13 (a) project quality, study design, value, and impact;

14 (b) whether the applicant has the appropriate personnel, expertise,  
15 facilities and infrastructure, funding, and human, animal, or other  
16 approvals in place to successfully conduct the project; and

17 (c) whether the amount of cannabis to be grown or purchased by the  
18 applicant is consistent with the project's scope and goals. If the  
19 office determines that the research project does not meet the require-  
20 ments of subdivision one of this section, the application must be  
21 denied.

22 3. A cannabis research licensee may only sell cannabis grown or within  
23 its operation to other cannabis research licensees. The office may  
24 revoke a cannabis research license for violations of this subdivision.

25 4. A cannabis research licensee may contract with the higher education  
26 institutions to perform research in conjunction with the university. All  
27 research projects, entered into under this section shall be approved by  
28 the office and meet the requirements of subdivision one of this section.

1 5. In establishing a cannabis research license, the board may adopt  
2 regulations on the following:

3 (a) application requirements;

4 (b) cannabis research license renewal requirements, including whether  
5 additional research projects may be added or considered;

6 (c) conditions for license revocation;

7 (d) security measures to ensure cannabis is not diverted to purposes  
8 other than research;

9 (e) amount of plants, useable cannabis, or concentrated cannabis a  
10 licensee may have on its premises;

11 (f) licensee reporting requirements;

12 (g) conditions under which cannabis grown by licensed or registered  
13 cannabis producers and other product types from licensed cannabis  
14 processors may be donated to cannabis research licensees; and

15 (h) any additional requirements deemed necessary by the office.

16 6. A cannabis research license issued pursuant to this section shall  
17 be issued in the name of the applicant, specify the location at which  
18 the cannabis researcher intends to operate, which shall be within the  
19 state of New York unless otherwise permitted under federal law, and the  
20 holder thereof may not allow any other person to use the license.

21 7. The application and license fees for a cannabis research license  
22 shall be determined by the executive director on an annual basis and may  
23 be based on the size, scope and duration of the research proposed.

24 8. Each cannabis research licensee shall issue an annual report to the  
25 office. The office shall review such report and make a determination as  
26 to whether the research project continues to meet the research quali-  
27 fications under this section.

1 § 40. Registered organizations and adult-use cannabis. 1. The board  
2 shall have the authority to hold a competitive bidding process, includ-  
3 ing, in its discretion the ability to set price by an auction, to deter-  
4 mine the registered organization(s) authorized to be licensed to culti-  
5 vate, process, distribute and/or sell adult-use cannabis and to collect  
6 the fees generated from such auction to administer the office's social  
7 and economic equity plan and other duties prescribed by this chapter,  
8 and notwithstanding the prohibitions in article four of this chapter the  
9 board may permit such bidders to continue to participate in adult-use  
10 cannabis as a vertically integrated entity if such competitive process  
11 permits.

12 2. Alternatively, registered organizations may apply for licensure as  
13 an adult-use cannabis cultivator, adult-use cannabis processor, and  
14 adult-use cannabis distributor, or apply for licensure as an adult-use  
15 cannabis retail dispensary, subject to all of the restrictions and limi-  
16 tations set forth in article four of this chapter.

17 3. Any registered organization which is licensed to cultivate, proc-  
18 ess, distribute and sell adult-use cannabis and cannabis products pursu-  
19 ant to this section and article four of this chapter, shall be required  
20 to maintain sufficient supply and distribution of medical cannabis  
21 products for certified patients pursuant to regulations promulgated by  
22 the board.

23 § 41. Intentionally omitted.

24 § 42. Relation to other laws. 1. The provisions of this article shall  
25 apply, except that where a provision of this article conflicts with  
26 another provision of this chapter, this article shall apply.

27 2. Medical cannabis shall not be deemed to be a "drug" for purposes of  
28 article one hundred thirty-seven of the education law.

1 § 43. Protections for the medical use of cannabis. 1. Certified  
2 patients, designated caregivers, designated caregiver facilities, prac-  
3 titioners, registered organizations and the employees of registered  
4 organizations, and cannabis researchers shall not be subject to arrest,  
5 prosecution, or penalty in any manner, or denied any right or privilege,  
6 including but not limited to civil penalty or disciplinary action by a  
7 business or occupational or professional licensing board or bureau,  
8 solely for the certified medical use or manufacture of cannabis, or for  
9 any other action or conduct, in accordance with this article.

10 2. Being a certified patient shall be deemed to be having a "disabili-  
11 ty" under article fifteen of the executive law, section forty-c of the  
12 civil rights law, sections 240.00, 485.00, and 485.05 of the penal law,  
13 and section 200.50 of the criminal procedure law. This subdivision shall  
14 not bar the enforcement of a policy prohibiting an employee from  
15 performing his or her employment duties while impaired by or under the  
16 influence of a controlled substance. This subdivision shall not require  
17 any person or entity to do any act that would put the person or entity  
18 in direct violation of federal law or cause it to lose a federal  
19 contract or funding.

20 3. The fact that a person is a certified patient and/or acting in  
21 accordance with this article, shall not be a consideration in a proceed-  
22 ing pursuant to applicable sections of the domestic relations law, the  
23 social services law and the family court act.

24 4. (a) Certification applications, certification forms, any certified  
25 patient information contained within a database, and copies of registry  
26 identification cards shall be deemed exempt from public disclosure under  
27 sections eighty-seven and eighty-nine of the public officers law. Upon  
28 specific request by a certified patient to the office, the office may

1 verify the requesting patient's status as a valid certified patient to  
2 the patient's school or employer, to ensure compliance with the  
3 protections afforded by this section.

4 (b) The name, contact information, and other information relating to  
5 practitioners registered with the office under this article shall be  
6 public information and shall be maintained by the executive director on  
7 the office's website accessible to the public in searchable form. Howev-  
8 er, if a practitioner notifies the office in writing that he or she does  
9 not want his or her name and other information disclosed, that practi-  
10 tioner's name and other information shall thereafter not be public  
11 information or maintained on the office's website, unless the practi-  
12 tioner cancels the request.

13 § 44. Regulations. The board shall make regulations to implement this  
14 article.

15 § 45. Suspend; terminate. Based upon the recommendation of the execu-  
16 tive director and/or the superintendent of state police that there is a  
17 risk to the public health or safety, the governor may immediately termi-  
18 nate all licenses issued to registered organizations.

19 § 46. Pricing. 1. The executive director may require the sale of  
20 medical cannabis to be at or below an approved price established by the  
21 executive director. Every charge made or demanded for medical cannabis  
22 not in accordance with an approved price, is prohibited.

23 2. In reviewing the per dose price of each form of medical cannabis,  
24 the executive director may consider the fixed and variable costs of  
25 producing the form of cannabis and any other factor the executive direc-  
26 tor, in his or her discretion, deems relevant in reviewing the per dose  
27 price of each form of medical cannabis.

1 § 47. Severability. If any clause, sentence, paragraph, section or  
2 part of this article shall be adjudged by any court of competent juris-  
3 diction to be invalid, the judgment shall not affect, impair, or invali-  
4 date the remainder thereof, but shall be confined in its operation to  
5 the clause, sentence, paragraph, section or part thereof directly  
6 involved in the controversy in which the judgment shall have been  
7 rendered.

8 ARTICLE 4

9 ADULT-USE CANNABIS

10 Section 60. Licenses issued.

11 61. Awarding of licenses.

12 62. Information to be requested in response to the request for  
13 proposals.

14 63. Fees.

15 64. Approval and selection criteria.

16 65. Limitations of licensure; duration.

17 66. License renewal.

18 67. Amendments; changes in ownership and organizational struc-  
19 ture.

20 68. Adult-use cultivator license.

21 69. Adult-use processor license.

22 70. Adult-use cooperative license.

23 71. Adult-use distributor license.

24 72. Adult-use retail dispensary license.

25 73. Intentionally omitted.

26 74. Intentionally omitted.

- 1 75. Record keeping and tracking.
- 2 76. Inspections and ongoing requirements.
- 3 77. Adult-use cultivators, processors or distributors not to be
- 4 interested in retail dispensaries.
- 5 78. Packaging, labeling, form and administration of adult-use
- 6 cannabis products.
- 7 79. Laboratory testing.
- 8 80. Provisions governing the cultivation and processing of
- 9 adult-use cannabis.
- 10 81. Provisions governing the distribution of adult-use cannabis.
- 11 82. Provisions governing adult-use cannabis retail dispensaries.
- 12 83. Adult-use cannabis advertising and marketing.
- 13 84. Minority, women-owned businesses and disadvantaged farmers;
- 14 social and economic equity plan.
- 15 85. Regulations.

16 § 60. Licenses issued. The following kinds of licenses shall be  
17 issued by the executive director for the cultivation, processing,  
18 distribution and sale of cannabis to cannabis consumers:

- 19 1. Adult-use cultivator license;
- 20 2. Adult-use processor license;
- 21 3. Adult-use cooperative license;
- 22 4. Adult-use distributor license;
- 23 5. Adult-use retail dispensary license; and
- 24 6. Any other type of license as prescribed by the executive director
- 25 in regulation.

26 § 61. Awarding of licenses. 1. The board shall issue a request for  
27 proposals for licenses authorized pursuant to this section, and may

1 award as many licenses in such classes as the board sets out in such  
2 request.

3 2. Except as otherwise provided in this article, a separate license  
4 shall be required for each facility at which cultivation, processing,  
5 distribution or retail dispensing is conducted.

6 3. An award shall not be denied for a license under this article based  
7 solely on a conviction for a violation of article two hundred twenty or  
8 section 240.36 of the penal law, prior to the date article two hundred  
9 twenty-one of the penal law took effect, or a conviction for a violation  
10 of article two hundred twenty-one of the penal law after the effective  
11 date of this chapter.

12 § 62. Information to be requested in response to the request for  
13 proposals. 1. The office shall have the authority to prescribe the  
14 manner and form in which a response must be submitted to the office.  
15 Such information may include, but is not limited to: information about  
16 the applicant's identity, including racial and ethnic diversity; owner-  
17 ship and investment information, including the corporate structure;  
18 evidence of good moral character, including the submission of finger-  
19 prints by the applicant to the division of criminal justice services;  
20 information about the premises to be licensed; financial statements; and  
21 any other information prescribed in regulation.

22 2. All responses shall be signed by the applicant (if an individual),  
23 by a managing partner (if a limited liability corporation), by an offi-  
24 cer (if a corporation), or by all partners (if a partnership). Each  
25 person signing such response shall verify it or affirm it as true under  
26 the penalties of perjury.



1 3. All responses shall be accompanied by a check, draft or other forms  
2 of payment as the office may require or authorize in the amount required  
3 by this article for such license or permit.

4 4. If there be any proposed change, after the filing of the response  
5 or the award of a license, in any of the facts required to be set forth  
6 in such application, a supplemental statement requesting approval of  
7 such change, cost and source of money involved in the change, duly veri-  
8 fied, shall be submitted to the office at least thirty days prior to  
9 such proposed change. Failure to do so shall, if willful and deliberate,  
10 be cause for revocation of the license.

11 5. 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 response and in any supple-  
14 mental statement or request connected therewith, and such information  
15 may be presumed to be correct, and shall be binding upon a registered  
16 organization, licensee or licensed premises as if correct. All informa-  
17 tion required to be furnished in such response, requests or supplemental  
18 statements shall be deemed material in any prosecution for perjury, any  
19 proceeding to revoke or suspend any license, or impose a fine and in the  
20 office's determination to approve or deny the license.

21 6. 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 proposer or proposers.

26 7. The office may, in its discretion, wholly prohibit and/or prescribe  
27 specific criteria under which it will consider and allow limited trans-  
28 fers or changes of ownership, interest, or control during the registra-

1 tion or license application period and/or up to two years after an  
2 approved applicant commences licensed activities.

3 § 63. Fees. 1. The office shall have the authority to charge proposers  
4 under this article a non-refundable application fee and/or to auction  
5 licenses to bidders determined by the office to be qualified for such  
6 licensure based on the selection criteria in section sixty-four of this  
7 article. Such fee may be based on the type of licensure sought, culti-  
8 vation and/or production volume, sequence or priority of issuance, or  
9 any other factors deemed necessary, reasonable and appropriate by the  
10 office to achieve the policy and purpose of this chapter.

11 2. The office shall have the authority to charge licensees a biennial  
12 or annual license fee which shall be non-refundable. Such fee may be  
13 based on the amount of cannabis to be cultivated, processed, distributed  
14 and/or dispensed by the licensee or the gross annual receipts of the  
15 licensee for the previous license period, or any other factors deemed  
16 reasonable and appropriate by the office.

17 3. The office shall have the authority to waive or reduce fees pursu-  
18 ant to this section for social and economic equity applicants.

19 § 64. Approval and selection criteria. 1. The board shall develop  
20 regulations for use by the office in determining whether or not a propo-  
21 ser shall be awarded a license and subsequently granted the privilege of  
22 holding an adult-use cannabis license. The criteria for such approval or  
23 subsequent issuance shall be based on, but not limited to, the following  
24 criteria:

25 (a) the proposer will be able to maintain effective control against  
26 the illegal diversion or inversion of cannabis;

27 (b) the proposer will be able to comply with all applicable state laws  
28 and regulations;

1 (c) the proposer and its officers are ready, willing, and able to  
2 properly carry on the activities for which a license is sought;

3 (d) where appropriate and applicable, the proposer possesses or has  
4 the right to use, or opportunity to acquire, sufficient land, buildings,  
5 and equipment to properly carry on the activity described in the appli-  
6 cation;

7 (e) it is in the public interest that such license be granted, taking  
8 into consideration, but not limited to, the following criteria:

9 (i) that it is a privilege, and not a right, to cultivate, process,  
10 distribute, and sell cannabis;

11 (ii) the number, classes, scope and character of other licenses or  
12 approved applicants in proximity to the location or in the state, county  
13 or particular municipality or subdivision thereof as appropriate;

14 (iii) evidence that all necessary licenses and permits have been  
15 obtained from the state and all other governing bodies;

16 (iv) the history of cannabis or other relevant regulatory violations  
17 at the proposed location or by the applicant in any relevant jurisdic-  
18 tion, as well as any pattern of violations under this chapter, and  
19 reported criminal activity at the proposed premises;

20 (v) the effect on the production, price and availability of cannabis  
21 and cannabis products; and

22 (vi) any other factors specified by law or regulation that are rele-  
23 vant to determine that granting a license would promote public health  
24 and safety and the public interest of the state, county or community;

25 (f) the proposer and its managing officers are of good moral character  
26 and do not have an ownership or controlling interest in more licenses,  
27 registrations, permits, or the scope of activity allowed by this chap-  
28 ter, or any regulations promulgated hereunder;

1 (g) the proposer has entered into a labor peace agreement with a bona-  
2 fide labor organization that is actively engaged in representing or  
3 attempting to represent the proposer's employees, and the maintenance of  
4 such a labor peace agreement shall be an ongoing material condition of  
5 licensure.

6 (h) the proposer will contribute to communities, the workforce and  
7 people disproportionately harmed by cannabis law enforcement through  
8 participation in the social and economic equity plan implemented by the  
9 office or other suitable means;

10 (i) if the response is for an adult-use cultivator license, the envi-  
11 ronmental impact of the facility to be licensed; and

12 (j) the proposer satisfies any other conditions as determined by the  
13 executive director.

14 2. If the executive director is not satisfied that the proposer is  
15 eligible to be approved, or subsequently should be issued a license, the  
16 executive director shall notify the proposer in writing of the specific  
17 reason or reasons for denial.

18 § 65. Limitations of licensure; duration. 1. No license of any kind  
19 may be issued to a person under the age of twenty-one years, nor shall  
20 any licensee employ anyone under the age of eighteen years.

21 2. No person shall sell, or give away or cause or permit or procure to  
22 be sold, or given away any cannabis to any person, actually or apparent-  
23 ly, under the age of twenty-one years, or any visibly intoxicated  
24 person.

25 3. No licensee, registrant or permittee shall knowingly sell, or give  
26 away or cause or permit or procure to be sold, or given away to a lawful  
27 cannabis consumer any amount of cannabis which would cause the lawful  
28 cannabis consumer to be in violation of the possession limits estab-

1 lished by this chapter, or their equivalent as determined by the execu-  
2 tive director.

3 4. The office shall have the authority to limit, by canopy, plant  
4 count, square footage or other means, the amount of cannabis allowed to  
5 be grown, processed, distributed or sold by a licensee.

6 5. All licenses under this article shall expire two years after the  
7 date of issue.

8 § 66. License renewal. 1. Each license, issued pursuant to this arti-  
9 cle, may be approved for renewal upon application therefor by the licen-  
10 see and the payment of the fee for such license as prescribed by this  
11 article. In the case of applications for renewals, the office may  
12 dispense with the requirements of such statements as it deems unneces-  
13 sary in view of those contained in the application made for the original  
14 license, but in any event the submission of photographs of the licensed  
15 premises may be dispensed with, provided the applicant for such renewal  
16 shall file a statement with the office to the effect that there has been  
17 no alteration of such premises since the original license was issued.  
18 The office may make such rules as it deems necessary, not inconsistent  
19 with this chapter, regarding applications for renewals of licenses and  
20 permits and the time for making the same.

21 2. The office shall create a social responsibility framework agreement  
22 and make the adherence to and fulfillment of such agreement a condi-  
23 tional requirement of license renewal.

24 3. The office shall provide an application for renewal of a license  
25 issued under this article not less than ninety days prior to the expira-  
26 tion of the current license.

27 4. The office may only issue a renewal license upon receipt of the  
28 prescribed renewal application and renewal fee from a licensee if, in

1 addition to the criteria in this section, the licensee's license is not  
2 under suspension and has not been revoked.

3 5. Each applicant must maintain a labor peace agreement with a bona-  
4 fide labor organization that is actively engaged in representing or  
5 attempting to represent the applicant's employees and the maintenance of  
6 such a labor peace agreement shall be an ongoing material condition of  
7 licensure.

8 § 67. Amendments; changes in ownership and organizational structure.

9 1. Licenses issued pursuant to this article shall specify:

10 (a) the name and address of the licensee;

11 (b) the activities permitted by the license;

12 (c) the land, buildings, facilities, locations or areas that may be  
13 used for the licensed activities of the licensee;

14 (d) a unique license number issued by the office to the licensee; and

15 (e) such other information as the executive director shall deem neces-  
16 sary to assure compliance with this chapter.

17 2. Upon application to the office, a response to a request for  
18 proposals or license may be amended to allow the applicant or licensee  
19 to relocate within the state, to add or delete licensed activities or  
20 facilities, or to amend the ownership or organizational structure of the  
21 entity that is the applicant or licensee, upon approval by the executive  
22 director. The fee for such amendment shall be determined by the execu-  
23 tive director.

24 3. A license shall become void by a change in ownership, management,  
25 interest, substantial corporate change, location, or material changes in  
26 operations without prior written approval of the executive director. The  
27 executive director may specify the process for amendment requests and

1 allowing for certain types of changes in ownership without the need for  
2 prior written approval.

3 4. For purposes of this section, "substantial corporate change" shall  
4 mean:

5 (a) for a corporation, a change of five percent or more of the offi-  
6 cers and/or directors, or a transfer of five percent or more of stock of  
7 such corporation, or an existing stockholder obtaining five percent or  
8 more of the stock of such corporation; or

9 (b) for a limited liability company, a change of five percent or more  
10 of the managing members of the company, or a transfer of five percent or  
11 more of ownership interest in said company, or an existing member  
12 obtaining a cumulative of five percent or more of the ownership interest  
13 in said company.

14 § 68. Adult-use cultivator license. 1. An adult-use cultivator's  
15 license shall authorize the acquisition, possession, cultivation and  
16 sale of cannabis from the licensed premises of the adult-use cultivator  
17 by such licensee to duly licensed processors in this state. The board  
18 may establish regulations allowing licensed adult-use cultivators to  
19 perform certain types of minimal processing, defined in regulation,  
20 without the need for an adult-use processor license.

21 2. For purposes of this section, cultivation shall include, but not be  
22 limited to, the planting, growing, cloning, harvesting, drying, curing,  
23 grading and trimming of cannabis.

24 3. A person holding an adult-use cultivator's license may apply for,  
25 and obtain, not more than one processor's license and one distributor's  
26 license.

27 4. A person holding an adult-use cultivator's license may not also  
28 hold a retail dispensary license pursuant to this article and no adult-

1 use cannabis cultivator shall have a direct or indirect interest,  
2 including by stock ownership, interlocking directors, mortgage or lien,  
3 personal or real property, management agreement, share parent companies  
4 or affiliate organizations, or any other means, in any premises licensed  
5 as an adult-use cannabis retail dispensary or in any business licensed  
6 as an adult-use cannabis retail dispensary pursuant to this article.

7 5. No person may have a direct or indirect financial or controlling  
8 interest in more than one adult-use cultivator license issued pursuant  
9 to this chapter, provided that one adult-use cultivator license may  
10 authorize adult-use cultivation in more than one location pursuant to  
11 criteria established by the board in regulation.

12 6. The executive director shall have the authority to issue microbusi-  
13 ness licenses, allowing microbusiness licensees to cultivate, process,  
14 distribute and retail adult-use cannabis direct to licensed cannabis  
15 retailers and consumers, under a single license. The board may estab-  
16 lish through regulation microbusiness license eligibility criteria and  
17 production limits of total cannabis cultivated, processed and/or  
18 distributed annually for microbusiness licenses.

19 § 69. Adult-use processor license. 1. A processor's license shall  
20 authorize the acquisition, possession, processing and sale of cannabis  
21 from the licensed premises of the adult-use cultivator by such licensee  
22 to duly licensed distributors.

23 2. For purposes of this section, processing shall include, but not be  
24 limited to, blending, extracting, infusing, packaging, labeling, brand-  
25 ing or otherwise making or preparing cannabis products. Processing shall  
26 not include the cultivation of cannabis.

27 3. No processor shall be engaged in any other business on the premises  
28 to be licensed; except that a person issued an adult-use cannabis culti-



1 vator, processor, and/or distributor license may hold and operate all  
2 issued licenses on the same premises.

3 4. No cannabis processor licensee may hold more than one cannabis  
4 processor license, provided a single license may authorize processor  
5 activities at multiple locations.

6 5. No adult-use cannabis processor shall have a direct or indirect  
7 interest, including by stock ownership, interlocking directors, mortgage  
8 or lien, personal or real property, management agreement, or through  
9 parent organizations or affiliate entities, or any other means, in any  
10 premises licensed as an adult-use cannabis retail dispensary or in any  
11 business licensed as an adult-use cannabis retail dispensary pursuant to  
12 this article.

13 § 70. Adult-use cooperative license. 1. A cooperative license shall  
14 authorize the acquisition, possession, cultivation, processing or sale  
15 from the licensed premises of the adult-use cooperative by such licensee  
16 to duly licensed distributors and/or retail dispensaries; but not  
17 directly to cannabis consumers.

18 2. To be licensed as an adult-use cooperative, the cooperative must:

19 (a) be comprised of residents of the state of New York as a limited  
20 liability company or limited liability partnership under the laws of the  
21 state, or an appropriate business structure as determined by the board;

22 (b) subordinate capital, both as regards control over the cooperative  
23 undertaking, and as regards the ownership of the pecuniary benefits  
24 arising therefrom;

25 (c) be democratically controlled by the members themselves on the  
26 basis of one vote per member;

1 (d) vest in and allocate with priority to and among the members of all  
2 increases arising from their cooperative endeavor in proportion to the  
3 members' active participation in the cooperative endeavor; and

4 (e) operate according to the seven cooperative principles published by  
5 the International Cooperative Alliance in nineteen hundred ninety-five.

6 3. No person shall be a member of more than one adult-use cooperative  
7 licensed pursuant to this section.

8 4. No person or member of an adult-use cooperative license may have a  
9 direct or indirect financial or controlling interest in any other  
10 adult-use cannabis license issued pursuant to this chapter.

11 5. No adult-use cannabis cooperative shall have a direct or indirect  
12 interest, including by stock ownership, interlocking directors, mortgage  
13 or lien, personal or real property, or any other means, in any premises  
14 licensed as an adult-use cannabis retail dispensary or in any business  
15 licensed as an adult-use cannabis retail dispensary pursuant to this  
16 article.

17 6. The board shall promulgate regulations governing cooperative  
18 licenses, including, but not limited to, the establishment of canopy  
19 limits and other restrictions on the size and scope of cooperative  
20 licensees.

21 § 71. Adult-use distributor license. 1. A distributor's license shall  
22 authorize the acquisition, possession, distribution and sale of cannabis  
23 from the licensed premises of a licensed adult-use processor, microbusi-  
24 ness cultivator, adult-use cooperative, or registered organization  
25 authorized to sell adult-use cannabis, or any other person licensed,  
26 registered or permitted by the office to sell or transfer cannabis to or  
27 within the state, to duly licensed retail dispensaries.

1 2. No distributor shall have a direct or indirect economic interest in  
2 any microbusiness or adult-use retail dispensary licensed pursuant to  
3 this article, or in any registered organization registered pursuant to  
4 article three of this chapter. This restriction shall not prohibit a  
5 registered organization authorized pursuant to section forty of this  
6 chapter, from being granted licensure by the office to distribute  
7 adult-use cannabis products cultivated and processed by the registered  
8 organization to the registered organization's own licensed adult-use  
9 retail dispensaries.

10 3. Nothing in subdivision two of this section shall prevent a distrib-  
11 utor from charging an appropriate fee for the distribution of cannabis,  
12 including based on the volume of cannabis distributed.

13 4. Adult-use distributor licensees are subject to minimum operating  
14 requirements as determined by the board in regulation.

15 § 72. Adult-use retail dispensary license. 1. A retail dispensary  
16 license shall authorize the acquisition, possession and sale of cannabis  
17 from the licensed premises of the retail dispensary by such licensee to  
18 cannabis consumers.

19 2. No person may have a direct or indirect financial or controlling  
20 interest in more than three retail dispensary licenses issued pursuant  
21 to this chapter. This restriction shall not prohibit a registered organ-  
22 ization, authorized pursuant to section forty of this chapter, from  
23 being granted licensure by the office to sell adult-use cannabis at  
24 locations previously registered by the department of health; subject to  
25 any conditions, limitations or restrictions established by the office.

26 3. No person holding a retail dispensary license may also hold or have  
27 any interest in an adult-use cultivation, processor, microbusiness,  
28 cooperative or distributor license pursuant to this article.

1 4. No retail license shall be granted for any premises, unless the  
2 applicant shall be the owner thereof, or shall be in possession of said  
3 premises under a lease, management agreement or other agreement giving  
4 the applicant control over the premises, in writing, for a term not less  
5 than the license period.

6 5. No cannabis retail licensee shall locate a storefront within five  
7 hundred feet of a building occupied exclusively as a school.

8 § 73. Intentionally omitted.

9 § 74. Intentionally omitted.

10 § 75. Record keeping and tracking. The board shall, by regulation,  
11 require each licensee pursuant to this article to adopt and maintain  
12 security, tracking, record keeping, record retention and surveillance  
13 systems, relating to all cannabis at every stage of acquiring,  
14 possession, manufacture, sale, delivery, transporting, or distributing  
15 by the licensee.

16 § 76. Inspections and ongoing requirements. All licensed or permitted  
17 premises, regardless of the type of premises, and records including but  
18 not limited to financial statements and corporate documents, shall be  
19 subject to inspection by the office, by the duly authorized represen-  
20 tatives of the office, by any peace officer acting pursuant to his or  
21 her special duties, or by a police officer. The office shall make  
22 reasonable accommodations so that ordinary business is not interrupted  
23 and safety and security procedures are not compromised by the  
24 inspection. A person who holds a license or permit must make himself or  
25 herself, or an agent thereof, available and present for any inspection  
26 required by the office. Such inspection may include, but is not limited  
27 to, ensuring compliance by the licensee or permittee with all of the  
28 requirements of this article, the regulations promulgated pursuant ther-

1 eto, and other applicable building codes, fire, health, safety, and  
2 governmental regulations, including at the municipal, county, and state  
3 level and include any inspector or official of relevant jurisdiction.

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, microbusiness, cooperative or distributor licensed  
7 under this article 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 or promote the product of such cultivator or processor or  
19 distributor.

20 (d) enter into any contract or agreement with any retail licensee  
21 whereby such licensee agrees to confine his sales to cannabis products  
22 manufactured or sold by one or more such cultivator or processors or  
23 distributors. Any such contract shall be void and subject the licenses  
24 of all parties concerned to revocation for cause and any applicable  
25 administrative enforcement and penalties.

26 2. The provisions of this section shall not prohibit a microbusiness,  
27 or registered organization authorized pursuant to section forty of this  
28 chapter, from cultivating, processing, distributing and selling adult-

1 use cannabis under this article, at facilities wholly owned and operated  
2 by such microbusiness or registered organization, subject to any condi-  
3 tions, limitations or restrictions established by the office.

4 3. The board shall have the authority to create rules and regulations  
5 in regard to this section.

6 § 78. Packaging, labeling, form and administration of adult-use canna-  
7 bis products. 1. The board is hereby authorized to promulgate rules and  
8 regulations governing the packaging, labeling, form and method of admin-  
9 istration or ingestion, branding and marketing of cannabis products,  
10 sold or possessed for sale in New York state.

11 2. Such regulations shall include, but not be limited to, requiring  
12 that:

13 (a) packaging meets requirements similar to the federal "poison  
14 prevention packaging act of 1970," 15 U.S.C. Sec 1471 et seq.;

15 (b) prior to sale at a retailer, cannabis and cannabis products shall  
16 be labeled according to regulations and placed in a resealable, child-  
17 resistant package; and

18 (c) packages, labels, forms and products shall not be made to be  
19 attractive to or target persons under the age of twenty-one.

20 3. Such regulations shall include requiring labels warning consumers  
21 of any potential impact on human health resulting from the consumption  
22 of cannabis products that shall be affixed to those products when sold,  
23 if such labels are deemed warranted by the office and may establish  
24 standardized and/or uniform packaging requirements for adult-use  
25 products.

26 4. Such rules and regulations shall determine serving sizes for canna-  
27 bis products, active cannabis concentration per serving size, and number  
28 of servings per container. Such regulations may also require a nutri-

1 tional fact panel that incorporates data regarding serving sizes and  
2 potency thereof.

3 5. Such rules and regulations shall establish approved product types  
4 and forms and establish an application and review process to determine  
5 the suitability of new product types and forms, taking into consider-  
6 ation the consumer and public health and safety implications of differ-  
7 ent product varieties, manufacturing processes, product types and forms,  
8 the means and methods of administration associated with specific product  
9 types, and any other criteria identified by the office for consideration  
10 to protect public health and safety.

11 6. Such regulations shall also require product labels to accurately  
12 display the total THC of each product.

13 7. The packaging, sale, labeling, marketing, branding, advertising or  
14 possession by any licensee of any cannabis product not labeled or  
15 offered in conformity with rules and regulations promulgated in accord-  
16 ance with this section shall be grounds for the imposition of a fine,  
17 and/or the suspension, revocation or cancellation of a license. Fines  
18 may be imposed on a per violation, per day basis.

19 § 79. Laboratory testing. 1. Every processor of adult-use cannabis  
20 shall contract with an independent laboratory permitted pursuant to  
21 section one hundred twenty-nine of this chapter, to test the cannabis  
22 products it produces pursuant to rules and regulations prescribed by the  
23 office. The executive director may assign an approved testing laborato-  
24 ry, which the processor of adult-use cannabis must use, and may estab-  
25 lish consortia with neighboring states, to inform best practices, and  
26 share data.

27 2. Adult-use cannabis processors, cooperatives and microbusinesses  
28 shall make laboratory test reports available to licensed distributors

1 and retail dispensaries for all cannabis products manufactured by the  
2 processor or licensee.

3 3. Licensed retail dispensaries shall maintain accurate documentation  
4 of laboratory test reports for each cannabis product offered for sale to  
5 cannabis consumers. Such documentation shall be made publicly available  
6 by the licensed retail dispensary.

7 4. Onsite laboratory testing by licensees is permissible subject to  
8 regulation; however, such testing shall not be certified by the office  
9 and does not exempt the licensee from the requirements of quality assur-  
10 ance testing at a testing laboratory pursuant to this section.

11 5. An owner of a cannabis laboratory testing permit shall not hold a  
12 license, or interest in a license, in any other category within this  
13 article and shall not own or have ownership interest in a registered  
14 organization registered pursuant to article three of this chapter, or a  
15 cannabinoid hemp processor license pursuant to article five of this  
16 chapter.

17 6. The office shall have the authority to require any licensee under  
18 this article to submit cannabis or cannabis products to one or more  
19 independent laboratories for testing and the board may promulgate regu-  
20 lations related to all aspects of third-party testing and quality assur-  
21 ance including but not limited to:

- 22 (a) minimum testing and sampling requirements;
- 23 (b) testing and sampling methodologies;
- 24 (c) testing reporting requirements;
- 25 (d) retesting; and
- 26 (e) product quarantine, hold, recall, and remediation.



1 § 80. Provisions governing the cultivation and processing of adult-use  
2 cannabis. 1. Cultivation of cannabis shall comply with regulations  
3 promulgated by the board governing minimum requirements.

4 2. No cultivator or processor of adult-use cannabis shall sell, or  
5 agree to sell or deliver in the state any cannabis products, as the case  
6 may be, except in sealed containers containing quantities in accordance  
7 with size standards pursuant to regulations adopted by the office. Such  
8 containers shall have affixed thereto such labels or other means of  
9 tracking and identification as may be required by the rules of the execu-  
10 tive director.

11 3. No cultivator or processor of adult-use cannabis shall furnish or  
12 cause to be furnished to any licensee, any exterior or interior sign,  
13 printed, painted, electric or otherwise, except as authorized by the  
14 office. The office may make such rules as it deems necessary to carry  
15 out the purpose and intent of this subdivision.

16 4. The board, in conjunction with the department of environmental  
17 conservation, shall promulgate all necessary rules and regulations, as  
18 well as a process for approval, governing the safe production of canna-  
19 bis including, but not limited to, environmental and energy standards  
20 and restrictions on the use of pesticides.

21 5. No cultivator or processor of adult-use cannabis shall deliver any  
22 cannabis products, except in vehicles owned and operated by such culti-  
23 vator, processor, or hired and operated by such cultivator or processor  
24 from a trucking or transportation company registered with the office,  
25 and shall only make deliveries at the licensed premises of the purchas-  
26 er.

27 6. No cultivator or processor of adult-use cannabis, including an  
28 adult-use cannabis cooperative or microbusiness, may offer any incen-

1 tive, payment or other benefit to a licensed cannabis retail dispensary  
2 in return for carrying the cultivator, processor, cooperative or micro-  
3 business's products, or preferential shelf placement.

4 7. All cannabis products shall be processed in accordance with good  
5 manufacturing practices for the product category, pursuant to either  
6 Part 111 or Part 117 of Title 21 of the Code of Federal Regulations, as  
7 may be defined and modified by the board in regulation, which shall to  
8 the extent practicable and possible, align with neighboring state  
9 requirements.

10 8. No processor of adult-use cannabis shall produce any product which,  
11 in the discretion of the office, is designed to appeal to anyone under  
12 the age of twenty-one years.

13 9. The use or integration of wine, beer, liquor or nicotine or any  
14 other substance identified in regulation in cannabis products is prohib-  
15 ited.

16 10. The board shall promulgate regulations governing the minimum  
17 requirements for the secure transport of adult-use cannabis.

18 § 81. Provisions governing the distribution of adult-use cannabis. 1.  
19 No distributor shall sell, or agree to sell or deliver any cannabis  
20 products, as the case may be, in any container, except in a sealed pack-  
21 age. Such containers shall have affixed thereto such labels as may be  
22 required by the rules of the office.

23 2. No distributor shall deliver any cannabis products, except in vehi-  
24 cles owned and operated by such distributor, or hired and operated by  
25 such distributor from a trucking or transportation company permitted by  
26 the office, and shall only make deliveries at the licensed premises of  
27 the purchaser.

1 3. Each distributor shall keep and maintain upon the licensed prem-  
2 ises, adequate books and records of all transactions involving the busi-  
3 ness transacted by such distributor, which shall show the amount of  
4 cannabis products purchased by such distributor and the total THC  
5 content of purchased cannabis products as reflected on the product  
6 labels, together with the names, license numbers and places of business  
7 of the persons from whom the same was purchased and the amount involved  
8 in such purchases, as well as the amount of cannabis products sold by  
9 such distributor together and the total THC content of cannabis products  
10 sold as reflected on the final product labels, with the names,  
11 addresses, and license numbers of such purchasers and any other informa-  
12 tion required in regulation. Each sale shall be recorded separately on a  
13 numbered invoice, which shall have printed thereon the number, the name  
14 of the licensee, the address of the licensed premises, and the current  
15 license number and any other information required in regulation. Such  
16 distributor shall deliver to the purchaser a true duplicate invoice  
17 stating the name and address of the purchaser, the quantity of cannabis  
18 products, the total THC content of purchased cannabis products as  
19 reflected on the product labels, description by brands and the price of  
20 such cannabis products, and a true, accurate and complete statement of  
21 the terms and conditions on which such sale is made. Such books, records  
22 and invoices shall be kept for a period of six years and shall be avail-  
23 able for inspection by any authorized representative of the office.

24 4. No distributor shall furnish or cause to be furnished to any licen-  
25 see, any exterior or interior sign, printed, painted, electric or other-  
26 wise, unless authorized by the office.

1 5. No distributor shall provide any discount, rebate, customer loyalty  
2 program or other consideration to any licensed retailer, except as  
3 otherwise allowed by the office.

4 6. The board is authorized to promulgate regulations establishing a  
5 minimum margin for which a distributor may mark up a cannabis product  
6 for sale to a retail dispensary. Any adult-use cannabis product sold by  
7 a distributor in violation of the established markup allowed in regu-  
8 lation, 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, financial statements, contracts, corporate documents, and  
15 invoices shall be kept for a period of six years and shall be available  
16 for inspection by any authorized representative of the office, includ-  
17 ing, for use in determining the minimum markup allowed in regulation  
18 pursuant to subdivision six of this section.

19 § 82. Provisions governing adult-use cannabis retail dispensaries. 1.  
20 No cannabis retail licensee shall sell or give away or cause or permit  
21 or procure to be sold or given away any cannabis to any person, actually  
22 or apparently, under the age of twenty-one years or any visibly intoxi-  
23 cated person.

24 2. No cannabis retail licensee shall sell more than one ounce of  
25 adult-use cannabis, or its equivalent amount as determined in regu-  
26 lation, 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 as permitted by the office.

7 5. No cannabis retail licensee shall sell any cannabis products to any  
8 person with knowledge of, or with reasonable cause to believe, that the  
9 person to whom such cannabis products are being sold, has acquired the  
10 same for the purpose of peddling them from place to place, or of selling  
11 or giving them away in violation of the provisions of this chapter or in  
12 violation of the rules and regulations of the board.

13 6. All premises licensed under this section shall be subject to  
14 reasonable inspection by any peace officer described in subdivision four  
15 of section 2.10 of the criminal procedure law acting pursuant to his or  
16 her special duties, or police officer or any duly authorized represen-  
17 tative of the office.

18 7. No cannabis retail licensee shall be interested, directly or indi-  
19 rectly, in any cultivator, processor or distributor licensed pursuant to  
20 this article, by stock ownership, interlocking directors, mortgage or  
21 lien on any personal or real property or by any other means.

22 8. No cannabis retail licensee shall make or cause to be made any loan  
23 to any person engaged in the cultivation, processing or distribution of  
24 cannabis pursuant to this article.

25 9. Each cannabis retail licensee shall designate the price of each  
26 item of cannabis by attaching to or otherwise displaying immediately  
27 adjacent to each such item displayed in the interior of the licensed

1 premises where sales are made a price tag, sign or placard setting forth  
2 the price at which each such item is offered for sale therein.

3 10. No person licensed to sell cannabis products at retail, shall  
4 allow or permit any gambling, or offer any gambling on the licensed  
5 premises, or allow or permit illicit drug activity on the licensed prem-  
6 ises. The use of the licensed premises or any part thereof for the sale  
7 of lottery tickets, when duly authorized and lawfully conducted thereon,  
8 shall not constitute gambling within the meaning of this subdivision.

9 11. All adult-use dispensing facilities shall make educational materi-  
10 als and resources available to cannabis consumers at the point of sale,  
11 as prescribed by the office, encouraging such cannabis consumers to seek  
12 the help of a state licensed facility or program for the treatment of  
13 cannabis use disorder.

14 12. The board is authorized to promulgate regulations governing  
15 licensed adult-use dispensing facilities, including but not limited to,  
16 minimum general operating requirements, the hours of operation, size and  
17 location of the licensed facility, potency and types of products offered  
18 and establishing a minimum margin for which a retail dispensary must  
19 markup a cannabis product(s) before selling to a cannabis consumer. Any  
20 adult-use cannabis product sold by a retail dispensary for less than the  
21 minimum markup allowed in regulation, shall be unlawful.

22 § 83. Adult-use cannabis advertising and marketing. 1. The board is  
23 hereby authorized to promulgate rules and regulations governing,  
24 restricting, and prohibiting various forms and content of the advertis-  
25 ing and marketing of licensed adult-use cannabis cultivators, process-  
26 ors, cooperatives, distributors, retailers, and any cannabis products or  
27 services.

1 2. The office shall promulgate regulations for appropriate content,  
2 warnings, and means of advertising and marketing, including but not  
3 limited to prohibiting advertising that:

4 (a) is false, deceptive, or misleading;

5 (b) promotes overconsumption;

6 (c) depicts consumption;

7 (d) is designed in any way to appeal to children or other minors;

8 (e) is within or is readily observed within five hundred feet of the  
9 perimeter of a school grounds, playground, child care center, public  
10 park, or library;

11 (f) is in public transit vehicles and stations;

12 (g) is in the form of an unsolicited internet pop-up;

13 (h) is on publicly owned or operated property;

14 (i) makes medical claims or promotes adult-use cannabis for a medical  
15 or wellness purpose;

16 (j) promotes or implements discounts, coupons, or other means of sell-  
17 ing adult-use cannabis products below market value or whose discount  
18 would subvert local and state tax collections;

19 (k) the content and primary purpose of which is not to alert and  
20 educate lawful cannabis consumers about the availability of regulated  
21 adult-use cannabis and displace the illicit market but to solely promote  
22 cannabis use; or

23 (l) fails to satisfy any other advertising or marketing rule or regu-  
24 lations promulgated by the office related to marketing or advertising.

25 3. The office shall promulgate regulations prohibiting all marketing  
26 strategies and implementation including, but not limited to, branding,  
27 packaging, labeling, location of cannabis retailers, and advertisements  
28 that are designed to:

1 (a) appeal to persons under twenty-one years of age and/or at-risk  
2 populations; or

3 (b) disseminate false or misleading information to customers.

4 4. The office shall promulgate regulations requiring that:

5 (a) all advertisements and marketing accurately and legibly identify  
6 the licensee responsible for its content and contain recognizable and  
7 legible warnings associated with cannabis use; and

8 (b) any broadcast, cable, radio, print and digital communication  
9 advertisements only be placed where the audience is reasonably expected  
10 to be twenty-one years of age or older, as determined by reliable,  
11 up-to-date audience composition data. The burden of proving this  
12 requirement lies with the party that has paid for or facilitated the  
13 advertisement.

14 5. The office shall establish procedures to review and enforce all  
15 advertising and marketing requirements.

16 § 84. Minority, women-owned businesses and disadvantaged farmers;  
17 social and economic equity plan. 1. The office shall implement a social  
18 and economic equity plan that actively promotes racial, ethnic, and  
19 gender diversity in the adult-use cannabis industry and prioritizes  
20 applicants who qualify as a minority and women-owned business, social  
21 equity applicant, or disadvantaged farmer and which positively impacts  
22 areas that have been harmed through disproportionate enforcement of the  
23 war on drugs.

24 2. The office shall create a social and economic equity plan which  
25 promotes diversity in ownership and employment in the adult-use cannabis  
26 industry and the inclusion of:

27 (a) minority-owned businesses;

28 (b) women-owned businesses;



1 (c) social equity applicants as defined in subdivision four of this  
2 section;

3 (d) minority and women-owned businesses, as defined in subdivision  
4 four of this section; and

5 (e) disadvantaged farmers, as defined in subdivision four of this  
6 section.

7 3. (a) The social and economic equity plan implemented by the office  
8 shall promote participation and hiring of qualified social and economic  
9 equity applicants. These applicants shall be deemed qualified by the  
10 office through criteria determined in this section and by regulation  
11 promulgated hereunder. Once qualified, a social and economic equity  
12 applicant shall be eligible to access all or some of this available  
13 social and economic equity plan programs based on their qualification  
14 criteria, which may include but not be limited to:

15 (i) priority in submission and review for adult-use cannabis licenses;

16 (ii) priority in specific classes or categories of adult-use cannabis  
17 licenses and licensed activities, geographic areas or license location;

18 (iii) reduced or deferred fees for adult-use cannabis applications  
19 and/or licenses;

20 (iv) access to low or zero interest small business loans for entry  
21 into the adult-use cannabis market;

22 (v) access to incubator programs pairing qualified and eligible social  
23 and economic equity applicants with support in the form of counseling  
24 services, education, small business development, and compliance assist-  
25 ance;

26 (vi) access to cannabis workforce development and hiring initiatives  
27 which incentivize hiring of qualified social and economic equity staff  
28 members; and

1 (vii) any other available program or initiative developed under the  
2 office's social and economic equity plan.

3 (b) The executive director shall have the ability to alter or amend  
4 the social and economic equity plan, and its programs, to meet the needs  
5 of qualified social and economic equity applicants and areas as the  
6 industry grows and evolves.

7 (c) Under the social and economic equity plan, the board shall also  
8 have the authority to create and distribute local social and economic  
9 equity impact grants to community-based organizations which are located  
10 or operate in areas of disproportionate enforcement from the war on  
11 drugs. The application for, and administration of social and economic  
12 equity impact grants shall be determined by the board through regu-  
13 lations, provided sufficient funds are available.

14 4. For the purposes of this section, the following definitions shall  
15 apply:

16 (a) A minority-owned business, minority group member, and women-owned  
17 business shall have the same meaning as defined in section three hundred  
18 ten of the executive law.

19 (b) A firm owned by a minority group member who is also a woman may be  
20 defined as a minority-owned business, a women-owned business, or both.

21 (c) "Disadvantaged farmer" shall mean a New York state resident or  
22 business enterprise, including a sole proprietorship, partnership,  
23 limited liability company or corporation, that has reported at least  
24 two-thirds of its federal gross income as income from farming, in at  
25 least one of the five preceding tax years, and who:

26 (i) farms in a county that has greater than ten percent rate of pover-  
27 ty according to the latest U.S. census bureau's american communities  
28 survey;

1 (ii) has been disproportionately impacted by low commodity prices or  
2 faces the loss of farmland through development or suburban sprawl; and

3 (iii) meets any other qualifications as defined in regulation by the  
4 board.

5 (d) "Social equity applicants" shall mean an applicant for licensure  
6 or employment that:

7 (i) is or has been a member of a community group or resident of an  
8 area that has been disproportionately impacted by the enforcement of  
9 cannabis prohibition, as determined by the board in regulation;

10 (ii) has an income lower than eighty percent of the median income of  
11 the county in which the applicant resides; and

12 (iii) was convicted of a marihuana-related offense prior to the effec-  
13 tive date of this chapter or had a parent, guardian, child, or spouse  
14 who, prior to the effective date of this chapter, was convicted of a  
15 marihuana-related offense.

16 5. Licenses issued to minority and women-owned businesses or under the  
17 social and economic equity plan shall not be transferable for a period  
18 of two years except to qualified minority and women-owned businesses or  
19 social and economic equity applicants and only upon prior written  
20 approval of the executive director.

21 § 85. Regulations. The board shall make regulations to implement this  
22 article.

23 ARTICLE 5

24 CANNABINOID HEMP AND HEMP EXTRACT

25 Section 90. Definitions.

26 91. Rulemaking authority.

27 92. Cannabinoid hemp processor license.

- 1 93. Cannabinoid hemp retailer license.
- 2 94. Cannabinoid license applications.
- 3 95. Information to be requested in applications for licenses.
- 4 96. Fees.
- 5 97. Selection criteria.
- 6 98. License renewal.
- 7 99. Form of license.
- 8 100. Transferability; amendment to license; change in ownership
- 9 or control.
- 10 101. Granting, suspending or revoking licenses.
- 11 102. Record keeping and tracking.
- 12 103. Packaging and labeling of cannabinoid hemp and hemp
- 13 extract.
- 14 104. Processing of cannabinoid hemp and hemp extract.
- 15 105. Laboratory testing.
- 16 106. New York hemp product.
- 17 107. Penalties.
- 18 108. Hemp workgroup.
- 19 109. Prohibitions.
- 20 110. Special use permits.
- 21 111. Severability.

22 § 90. Definitions. As used in this article, the following terms shall  
23 have the following meanings, unless the context clearly requires other-  
24 wise:

25 1. "Cannabinoid" means the phytocannabinoids found in hemp and does  
26 not include synthetic cannabinoids as that term is defined in subdivi-  
27 sion (g) of schedule I of section thirty-three hundred six of the public  
28 health law.

1 2. "Cannabinoid hemp product" means any hemp and any product processed  
2 or derived from hemp, that is used for human consumption provided that  
3 when such product is packaged or offered for retail sale to a consumer,  
4 it shall not have a concentration of more than three-tenths of one  
5 percent delta-9 tetrahydrocannabinol or a final total THC concentration  
6 which exceeds an amount determined by the board in regulation.

7 3. "Used for human consumption" means intended by the manufacturer or  
8 distributor to be: (a) used for human consumption for its cannabinoid  
9 content; or (b) used in, on or by the human body for its cannabinoid  
10 content.

11 4. "Hemp" means the plant *Cannabis sativa* L. and any part of such  
12 plant, including the seeds thereof and all derivatives, extracts, canna-  
13 binoids, isomers, acids, salts, and salts of isomers, whether growing or  
14 not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more  
15 than three-tenths of one percent on a dry weight basis. It shall not  
16 include "medical cannabis" as defined in subdivision twenty-eight of  
17 section three of this chapter.

18 5. "Hemp extract" means all derivatives, extracts, cannabinoids, isom-  
19 ers, acids, salts, and salts of isomers derived from hemp, used or  
20 intended for human consumption, for its cannabinoid content, with a  
21 total THC concentration of not more than an amount determined by the  
22 board in regulation. For the purpose of this article, hemp extract  
23 excludes (a) any food, food ingredient or food additive that is general-  
24 ly recognized as safe pursuant to federal law; or (b) any hemp extract  
25 that is not used for human consumption. Such excluded substances shall  
26 not be regulated pursuant to the provisions of this article but are  
27 subject to other provisions of applicable state law, rules and regu-  
28 lations.

1 6. "License" means a license issued pursuant to this article.

2 7. "Cannabinoid hemp processor license" means a license granted by the  
3 office to process, extract, pack or manufacture cannabinoid hemp or hemp  
4 extract into products, whether in intermediate or final form, used for  
5 human consumption.

6 8. "Processing" means extracting, preparing, treating, modifying,  
7 compounding, manufacturing or otherwise manipulating cannabinoid hemp to  
8 concentrate or extract its cannabinoids, or creating product, whether in  
9 intermediate or final form, used for human consumption. For purposes of  
10 this article, processing does not include: (a) growing, cultivation,  
11 cloning, harvesting, drying, curing, grinding or trimming when author-  
12 ized pursuant to article twenty-nine of the agriculture and markets law;  
13 or

14 (b) mere transportation, such as by common carrier or another entity  
15 or individual.

16 § 91. Rulemaking authority. The board may make regulations pursuant to  
17 this article for the processing, distribution, marketing, transportation  
18 and sale of cannabinoid hemp and hemp extracts used for human consump-  
19 tion, which may include, but not be limited to:

20 1. Specifying forms, establishing application, reasonable adminis-  
21 tration and renewal fees, or license duration;

22 2. Establishing the qualifications and criteria for licensing, as  
23 authorized by law;

24 3. The books and records to be created and maintained by licensees and  
25 lawful procedures for their inspection;

26 4. Any reporting requirements;

1 5. Methods and standards of processing, labeling, packaging and  
2 marketing of cannabinoid hemp, hemp extract and products derived there-  
3 from;

4 6. Procedures for how cannabinoid hemp, hemp extract or ingredients,  
5 additives, or products derived therefrom can be deemed as acceptable for  
6 sale in the state;

7 7. Provisions governing the modes and forms of administration, includ-  
8 ing inhalation;

9 8. Procedures for determining whether cannabinoid hemp, hemp extract  
10 or ingredients, additives, or products derived therefrom produced  
11 outside the state or within the state meet the standards and require-  
12 ments of this article and can therefore be sold within the state;

13 9. Procedures for the granting, cancellation, revocation or suspension  
14 of licenses, consistent with the state administrative procedures act;

15 10. Restrictions governing the advertising and marketing of cannabi-  
16 noid hemp, hemp extract and products derived therefrom; and

17 11. Any other regulations necessary to implement this article.

18 § 92. Cannabinoid hemp processor license. 1. Persons processing canna-  
19 binoid hemp or hemp extract used for human consumption, whether in  
20 intermediate or final form, shall be required to obtain a cannabinoid  
21 hemp processor license from the office.

22 2. A cannabinoid hemp processor license authorizes one or more specif-  
23 ic activities related to the processing of cannabinoid hemp into  
24 products used for human consumption, whether in intermediate or final  
25 form, and the distribution or sale thereof by the licensee. Nothing  
26 herein shall prevent a cannabinoid hemp processor from processing,  
27 extracting and processing hemp products not to be used for human  
28 consumption.

1 3. Persons authorized to grow hemp pursuant to article twenty-nine of  
2 the agriculture and markets law are not authorized to engage in process-  
3 ing of cannabinoid hemp or hemp extract without first being licensed as  
4 a cannabinoid hemp processor under this article.

5 4. This article shall not apply to hemp, cannabinoid hemp, hemp  
6 extracts or products derived therefrom that are not used for human  
7 consumption. This article also shall not apply to hemp, cannabinoid  
8 hemp, hemp extracts or products derived therefrom that have been deemed  
9 generally recognized as safe pursuant to federal law.

10 5. The executive director shall have the authority to set reasonable  
11 fees for such license, to limit the activities permitted by such  
12 license, to establish the period during which such license is author-  
13 ized, which shall be two years or more. The board shall make rules and  
14 regulations necessary to implement this section.

15 6. Any person holding an active research partnership agreement with  
16 the department of agriculture and markets, authorizing that person to  
17 process cannabinoid hemp, shall be awarded licensure under this section,  
18 provided that the research partner is actively performing research  
19 pursuant to such agreement and is able to demonstrate compliance with  
20 this article, as determined by the office, after notice and an opportu-  
21 nity to be heard.

22 § 93. Cannabinoid hemp retailer license. 1. Retailers selling cannabi-  
23 noid hemp, in final form to consumers within the state, shall be  
24 required to obtain a cannabinoid hemp retailer license from the office.

25 2. The executive director shall have the authority to set reasonable  
26 fees for such license, to establish the period during which such license  
27 is authorized, which shall be one year or more. The board shall make  
28 rules and regulations necessary to implement this section.



1 § 94. Cannabinoid license applications. 1. Persons shall apply for a  
2 license under this article by submitting an application upon a form  
3 supplied by the office, providing all the relevant requested informa-  
4 tion, verified by the applicant or an authorized representative of the  
5 applicant.

6 2. A separate license shall be required for each facility at which  
7 processing or retail sales are conducted; however, an applicant may  
8 submit one application for separate licensure at multiple locations.

9 3. Each applicant shall remit with its application the fee for each  
10 requested license, which shall be a reasonable fee.

11 § 95. Information to be requested in applications for licenses. 1. The  
12 executive director may specify the manner and form in which an applica-  
13 tion shall be submitted to the office for licensure under this article.

14 2. The executive director shall prescribe what relevant information  
15 shall be included on an application for licensure under this article.  
16 Such information may include, but is not limited to: information about  
17 the applicant's identity; ownership and investment information, includ-  
18 ing the corporate structure; evidence of good moral character; financial  
19 statements; information about the premises to be licensed; information  
20 about the activities to be licensed; and any other relevant information  
21 prescribed by the executive director.

22 3. All license applications shall be signed by the applicant if an  
23 individual, by a managing partner if a limited liability company, by an  
24 officer if a corporation, or by all partners if a partnership. Each  
25 person signing such application shall verify it as true under the penal-  
26 ties of perjury.

1 4. All license applications shall be accompanied by a check, draft or  
2 other forms of payment as the office may require or authorize in the  
3 reasonable amount required by this article for such license.

4 5. If there be any change, after the filing of the application or the  
5 granting, modification or renewal of a license, in any of the material  
6 facts required to be set forth in such application, a supplemental  
7 statement giving notice of such change, duly verified, shall be filed  
8 with the office within ten days after such change. Failure to do so, if  
9 willful and deliberate, may be grounds for revocation of the license.

10 § 96. Fees. The office may charge licensees a reasonable license fee.  
11 Such fee may be based on the activities permitted by the license, the  
12 amount of cannabinoid hemp or hemp extract to be processed or extracted  
13 by the licensee, the gross annual receipts of the licensee for the  
14 previous license period, or any other factors reasonably deemed appro-  
15 priate by the office.

16 § 97. Selection criteria. 1. The applicant, if an individual or indi-  
17 viduals, shall furnish evidence of the individual's good moral charac-  
18 ter, and if an entity, the applicant shall furnish evidence of the good  
19 moral character of the individuals who have or will have substantial  
20 responsibility for the licensed or authorized activity and those in  
21 control of the entity, including principals, officers, or others with  
22 such control.

23 2. The applicant shall furnish evidence of the applicant's experience  
24 and competency, and that the applicant has or will have adequate facili-  
25 ties, equipment, process controls, and security to undertake those  
26 activities for which licensure is sought.

27 3. The applicant shall furnish evidence of his, her or its ability to  
28 comply with all applicable state and local laws, rules and regulations.

1 4. If the executive director is not satisfied that the applicant  
2 should be issued a license, the executive director shall notify the  
3 applicant in writing of the specific reason or reasons for denial.

4 5. No license pursuant to this article may be issued to an individual  
5 under the age of eighteen years.

6 § 98. License renewal. 1. Each license, issued pursuant to this arti-  
7 cle, may be renewed upon application therefor by the licensee and the  
8 payment of the reasonable fee for such license as specified by this  
9 article.

10 2. In the case of applications for renewals, the office may dispense  
11 with the requirements of such statements as it deems unnecessary in view  
12 of those contained in the application made for the original license.

13 3. The office shall provide an application for renewal of any license  
14 issued under this article not less than ninety days prior to the expira-  
15 tion of the current license.

16 4. The office may only issue a renewal license upon receipt of the  
17 specified renewal application and renewal fee from a licensee if, in  
18 addition to the selection criteria set out in this article, the  
19 licensee's license is not under suspension and has not been revoked.

20 § 99. Form of license. Licenses issued pursuant to this article shall  
21 specify:

22 1. The name and address of the licensee;

23 2. The activities permitted by the license;

24 3. The land, buildings and facilities that may be used for the  
25 licensed activities of the licensee;

26 4. A unique license number issued by the office to the licensee; and

27 5. Such other information as the office shall deem necessary to assure  
28 compliance with this chapter.

1 § 100. Transferability; amendment to license; change in ownership or  
2 control. 1. Licenses issued under this article are not transferable,  
3 absent written consent of the office.

4 2. Upon application of a licensee, a license may be amended to add or  
5 delete permitted activities.

6 3. A license shall become void by a change in ownership, substantial  
7 corporate change or change of location without prior written approval of  
8 the office. The board may make regulations allowing for certain types of  
9 changes in ownership without the need for prior written approval.

10 § 101. Granting, suspending or revoking licenses. After due notice and  
11 an opportunity to be heard, which process shall be established by rules  
12 and regulations, the office may decline to grant a new license, impose  
13 conditions or limits with respect to the grant of a license, modify an  
14 existing license or decline to renew a license, and may suspend or  
15 revoke a license already granted after due notice and an opportunity to  
16 be heard, as established by rules and regulations, whenever the execu-  
17 tive director finds that:

18 1. A material statement contained in an application is or was false or  
19 misleading;

20 2. The applicant or licensee, or a person in a position of management  
21 and control thereof or of the licensed activity, does not have good  
22 moral character, necessary experience or competency, adequate facili-  
23 ties, equipment, process controls, or security to process, distribute,  
24 transport or sell cannabinoid hemp, hemp extract or products derived  
25 therefrom;

26 3. After appropriate notice and opportunity, the applicant or licensee  
27 has failed or refused to produce any records or provide any information

1 required by this article or the regulations promulgated pursuant there-  
2 to;

3 4. The licensee has conducted activities outside of those activities  
4 permitted on its license; or

5 5. The applicant or licensee, or any officer, director, partner, or  
6 any other person exercising any position of management or control there-  
7 of or of the licensed activity has willfully failed to comply with any  
8 of the provisions of this article or regulations under it and other laws  
9 of this state applicable to the licensed activity.

10 § 102. Record keeping and tracking. Every licensee shall keep, in such  
11 form as the executive director may direct, such relevant records as may  
12 be required pursuant to regulations under this article.

13 § 103. Packaging and labeling of cannabinoid hemp and hemp extract. 1.  
14 Cannabinoid hemp processors shall be required to provide appropriate  
15 label warning to consumers, and restricted from making unapproved label  
16 claims, as determined by the office, concerning the potential impact on  
17 or benefit to human health resulting from the use of cannabinoid hemp,  
18 hemp extract and products derived therefrom for human consumption, which  
19 labels shall be affixed to those products when sold, pursuant to rules  
20 and regulations that the board may adopt.

21 2. The board may, by rules and regulations, require processors to  
22 establish a code, including, but not limited to QR code, for labels and  
23 establish methods and procedures for determining, among other things,  
24 serving sizes or dosages for cannabinoid hemp, hemp extract and products  
25 derived therefrom, active cannabinoid concentration per serving size,  
26 number of servings per container, and the growing region, state or coun-  
27 try of origin if not from the United States. Such rules and regulations

1 may require an appropriate fact panel that incorporates data regarding  
2 serving sizes and potency thereof.

3 3. The packaging, sale, or possession of products derived from canna-  
4 binoid hemp or hemp extract used for human consumption not labeled or  
5 offered in conformity with regulations under this section shall be  
6 grounds for the seizure or quarantine of the product, the imposition of  
7 a civil penalty against a processor or retailer, and the suspension,  
8 revocation or suspension of a license, in accordance with this article.

9 § 104. Processing of cannabinoid hemp and hemp extract. 1. No process-  
10 or shall sell or agree to sell or deliver in the state any cannabinoid  
11 hemp, hemp extract or product derived therefrom, used for human consump-  
12 tion, except in sealed containers containing quantities in accordance  
13 with size standards pursuant to rules adopted by the office. Such  
14 containers shall have affixed thereto such labels as may be required by  
15 the rules of the office.

16 2. Processors shall take such steps necessary to ensure that the  
17 cannabinoid hemp or hemp extract used in their processing operation has  
18 only been grown with pesticides that are registered by the department of  
19 environmental conservation or that specifically meet the United States  
20 environmental protection agency registration exemption criteria for  
21 minimum risk, used in compliance with rules, regulations, standards and  
22 guidelines issued by the department of environmental conservation for  
23 pesticides.

24 3. All cannabinoid hemp, hemp extract and products derived therefrom  
25 used for human consumption shall be extracted and processed in accord-  
26 ance with good manufacturing processes for the product category pursuant  
27 to Part 117 or Part 111 of title 21 of the code of federal regulations,  
28 as may be defined, modified and decided upon by the office, provided

1 that such rules shall be in conformity to the extent practicable with  
2 neighboring states.

3 4. As necessary to protect human health, the office shall have the  
4 authority to: (a) regulate and prohibit specific ingredients, excipients  
5 or methods used in processing cannabinoid hemp, hemp extract and  
6 products derived therefrom; and (b) prohibit, or expressly allow,  
7 certain products or product classes derived from cannabinoid hemp or  
8 hemp extract, to be processed.

9 § 105. Laboratory testing. Every cannabinoid hemp processor shall  
10 contract with an independent commercial laboratory to test the hemp  
11 extract and products produced by the licensed processor. The executive  
12 director, in consultation with the commissioner of the department of  
13 health, shall establish the necessary qualifications or certifications  
14 required for such laboratories used by licensees. The board is author-  
15 ized to issue rules and regulations consistent with this article estab-  
16 lishing the testing required, the reporting of testing results and the  
17 form for reporting such laboratory testing results. The office has  
18 authority to require licensees to submit any cannabinoid hemp, hemp  
19 extract or product derived therefrom, processed or offered for sale  
20 within the state, for testing. This section shall not obligate the  
21 office, in any way, to perform any testing on hemp, cannabinoid hemp,  
22 hemp extract or product derived therefrom. The office shall be author-  
23 ized to establish consortia or cooperative agreements with neighboring  
24 states to effectuate this section.

25 § 106. New York hemp product. The office may establish and adopt offi-  
26 cial grades and standards for cannabinoid hemp, hemp extract and  
27 products derived therefrom, as he or she may deem advisable, which are

1 produced for sale in this state and, from time to time, may amend or  
2 modify such grades and standards.

3 § 107. Penalties. Notwithstanding the provision of any law to the  
4 contrary, the failure to comply with a requirement of this article, or a  
5 regulation thereunder, may be punishable by a civil penalty of not more  
6 than one thousand dollars for a first violation; not more than five  
7 thousand dollars for a second violation within three years; and not more  
8 than ten thousand dollars for a third violation and each subsequent  
9 violation thereafter, within three years.

10 § 108. Hemp workgroup. The executive director, in consultation with  
11 the commissioner of the department of agriculture and markets and the  
12 commissioner of health, may appoint a New York state hemp and hemp  
13 extract workgroup, composed of growers, researchers, producers, process-  
14 ors, manufacturers and trade associations, to make recommendations for  
15 the industrial hemp and cannabinoid hemp programs, state, regional, and  
16 federal policies and policy initiatives, and opportunities for the  
17 promotion and marketing of cannabinoid hemp and hemp extract as consist-  
18 ent with federal and state laws, rules and regulations.

19 § 109. Prohibitions. 1. Except as authorized by the United States food  
20 and drug administration, the processing of cannabinoid hemp or hemp  
21 extract used for human consumption is prohibited within the state unless  
22 the processor is licensed under this article.

23 2. Cannabinoid hemp and hemp extracts used for human consumption and  
24 grown or processed outside the state shall not be distributed or sold at  
25 retail within the state, unless they meet all standards established for  
26 cannabinoid hemp under state law and regulations.

27 3. The retail sale of cannabinoid hemp is prohibited in this state  
28 unless the retailer is licensed under this article.



1 § 110. Special use permits. The office shall have the authority to  
2 issue temporary permits for carrying on any activity related to cannabi-  
3 noid hemp, hemp extract and products derived therefrom, licensed under  
4 this article. The executive director may set reasonable fees for such  
5 permits and to establish the periods during which such permits are  
6 valid. The board shall make rules and regulations to implement this  
7 section.

8 § 111. Severability. If any provision of this article or the applica-  
9 tion thereof to any person or circumstances is held invalid, such inva-  
10 lidity shall not affect other provisions or applications of this article  
11 which can be given effect without the invalid provision or application,  
12 and to this end the provisions of this article are declared to be sever-  
13 able.

14 ARTICLE 6

15 GENERAL PROVISIONS

16 Section 125. General prohibitions and restrictions.

17 126. License to be confined to premises licensed; premises for  
18 which no license shall be granted; transporting cannabis.

19 127. Protections for the use of cannabis; unlawful discrimi-  
20 nations prohibited.

21 128. Registrations and licenses.

22 129. Laboratory testing permit.

23 130. Special use permits.

24 132. Municipal control and preemption.

25 133. Office to be necessary party to certain proceedings.

26 134. Penalties for violation of this chapter.

1           135. Revocation of registrations, licenses and permits for  
2                    cause; procedure for revocation or cancellation.

3           136. Lawful actions pursuant to this chapter.

4           137. Review by courts.

5           138. Illicit cannabis.

6           139. Injunction for unlawful manufacturing, sale, distribution,  
7                    or consumption of cannabis.

8           140. Persons forbidden to traffic cannabis; certain officials  
9                    not to be interested in manufacture or sale of cannabis  
10                  products.

11          141. Access to criminal history information through the division  
12                  of criminal justice services.

13   § 125. General prohibitions and restrictions.    1. No person shall  
14 cultivate, process, or distribute for sale or sell at wholesale or  
15 retail any cannabis, adult-use cannabis product, medical cannabis or  
16 cannabinoid hemp within the state without obtaining the appropriate  
17 registration, license, or permit therefor required by this chapter.

18    2. No registered organization, licensee, or permittee shall sell, or  
19 agree to sell or deliver in this state any cannabis or cannabinoid hemp  
20 for the purposes of resale to any person who is not duly registered,  
21 licensed or permitted pursuant to this chapter to sell such product, at  
22 wholesale or retail, as the case may be, at the time of such agreement  
23 and sale.

24    3. No registered organization, licensee, or permittee shall employ, or  
25 permit to be employed, or shall allow to work, on any premises regis-  
26 tered or licensed for retail sale hereunder, any person under the age of  
27 eighteen years in any capacity where the duties of such person require  
28 or permit such person to sell, dispense or handle cannabis.

1 4. No registered organization, licensee, or permittee shall sell,  
2 deliver or give away, or cause, permit or procure to be sold, delivered  
3 or given away any adult-use cannabis, cannabis product, medical cannabis  
4 or cannabinoid hemp on credit unless authorized by the executive direc-  
5 tor; except that a registered organization, licensee or permittee may  
6 accept third party credit cards for the sale of any cannabis, cannabis  
7 product, medical cannabis or cannabinoid hemp for which it is regis-  
8 tered, licensed or permitted to dispense or sell to patients or cannabis  
9 consumers. This includes, but is not limited to, any consignment sale of  
10 any kind.

11 5. No registered organization, licensee, or permittee shall cease to  
12 be operated as a bona fide or legitimate premises within the contem-  
13 plation of the registration, license, or permit issued for such prem-  
14 ises, as determined within the judgment of the office.

15 6. No registered organization, licensee, or permittee shall refuse,  
16 nor any person holding a registration, license, or permit refuse, nor  
17 any officer or director of any corporation or organization holding a  
18 registration, license, or permit refuse, to appear and/or testify under  
19 oath at an inquiry or hearing held by the office, with respect to any  
20 matter bearing upon the registration, license, or permit, the conduct of  
21 any people at the licensed premises, or bearing upon the character or  
22 fitness of such registrant, licensee, or permittee to continue to hold  
23 any registration, license, or permit. Nor shall any of the above offer  
24 false testimony under oath at such inquiry or hearing.

25 7. No registered organization, licensee, or permittee shall engage,  
26 participate in, or aid or abet any violation or provision of this chap-  
27 ter, or the rules or regulations of the office or board.

1 8. The proper conduct of registered, licensed, or permitted premises  
2 is essential to the public interest. Failure of a registered organiza-  
3 tion, licensee, or permittee to exercise adequate supervision over the  
4 registered, licensed, or permitted location poses a substantial risk not  
5 only to the objectives of this chapter but imperils the health, safety,  
6 and welfare of the people of this state. It shall be the obligation of  
7 each person registered, licensed, or permitted under this chapter to  
8 ensure that a high degree of supervision is exercised over any and all  
9 conduct at any registered, licensed, or permitted location at any and  
10 all times in order to safeguard against abuses of the privilege of being  
11 registered, licensed, or permitted, as well as other violations of law,  
12 statute, rule, or regulation. Persons registered, licensed, or permitted  
13 shall be held strictly accountable for any and all violations that occur  
14 upon any registered, licensed, or permitted premises, and for any and  
15 all violations committed by or permitted by any manager, agent or  
16 employee of such registered, licensed, or permitted person.

17 9. It shall be unlawful for any person, partnership or corporation  
18 operating a place for profit or pecuniary gain, with a capacity for the  
19 assemblage of twenty or more persons to permit a person or persons to  
20 come to the place of assembly for the purpose of cultivating, process-  
21 ing, distributing, or retail distribution or sale of cannabis on said  
22 premises. This includes, but is not limited, to, cannabis that is either  
23 provided by the operator of the place of assembly, his agents, servants  
24 or employees, or cannabis that is brought onto said premises by the  
25 person or persons assembling at such place, unless an appropriate regis-  
26 tration, license, or permit has first been obtained from the office of  
27 cannabis management by the operator of said place of assembly.

1 10. As it is a privilege under the law to be registered, licensed, or  
2 permitted to cultivate, process, distribute, traffic, or sell cannabis,  
3 the office may impose any such further restrictions upon any registrant,  
4 licensee, or permittee in particular instances as it deems necessary to  
5 further state policy and best serve the public interest. A violation or  
6 failure of any person registered, licensed, or permitted to comply with  
7 any condition, stipulation, or agreement, upon which any registration,  
8 license, or permit was issued or renewed by the office shall subject the  
9 registrant, licensee, or permittee to suspension, cancellation, revoca-  
10 tion, and/or civil penalties as determined by the office.

11 11. No adult-use cannabis or medical cannabis may be imported to, or  
12 exported out of, New York state by a registered organization, licensee  
13 or person holding a license and/or permit pursuant to this chapter,  
14 until such time as it may become legal to do so under federal law and  
15 the board has promulgated regulations for the minimum requirements of  
16 such activities. Should it become legal to do so under federal law, the  
17 board shall have the authority to promulgate rules and regulations to  
18 protect the public and the policy of the state.

19 12. No registered organization, licensee or any of its agents, serv-  
20 ants or employees shall peddle any cannabis product, medical cannabis or  
21 cannabinoid hemp from house to house by means of a truck or otherwise,  
22 where the sale is consummated and delivery made concurrently at the  
23 residence or place of business of a cannabis consumer. The office may  
24 establish regulations to enforce this subdivision. This subdivision  
25 shall not prohibit the delivery by a registered organization to certi-  
26 fied patients or their designated caregivers, pursuant to article three  
27 of this chapter.

1 13. No licensee shall employ any canvasser or solicitor for the  
2 purpose of receiving an order from a certified patient, designated care-  
3 giver or cannabis consumer for any cannabis product, medical cannabis or  
4 cannabinoid hemp at the residence or place of business of such patient,  
5 caregiver or consumer, nor shall any licensee receive or accept any  
6 order, for the sale of any cannabis product, medical cannabis or canna-  
7 binoid hemp which shall be solicited at the residence or place of busi-  
8 ness of a patient, caregiver or consumer. This subdivision shall not  
9 prohibit the solicitation by a distributor of an order from any licensee  
10 at the licensed premises of such licensee.

11 14. No premises registered, licensed, or permitted by the office  
12 shall:

13 (a) permit or allow any gambling on the premises;

14 (b) permit or allow the premises to become disorderly;

15 (c) permit or allow the use, by any person, of any fireworks or other  
16 pyrotechnics on the premises; or

17 (d) permit or allow to appear as an entertainer, on any part of the  
18 premises registered, licensed, or permitted, any person under the age of  
19 eighteen years.

20 § 126. License to be confined to premises licensed; premises for which  
21 no license shall be granted; transporting cannabis. 1. A registration,  
22 license, or permit issued to any person, pursuant to this chapter, for  
23 any registered, licensed, or permitted premises shall not be transfera-  
24 ble to any other person, to any other location or premises, or to any  
25 other building or part of the building containing the licensed premises  
26 except in the discretion of the office. All privileges granted by any  
27 registration, license, or permit shall be available only to the person  
28 therein specified, and only for the premises licensed and no other

1 except if authorized by the office. Provided, however, that the  
2 provisions of this section shall not be deemed to prohibit an applica-  
3 tion or request for approval for a registration or license as provided  
4 for in this chapter. A violation of this section shall subject the  
5 registration, license, or permit to revocation for cause.

6 2. Where a registration or license for premises has been revoked, the  
7 office in its discretion may refuse to accept an application from, or  
8 issue a registration, license, or permit under this chapter to, any  
9 individual, business, or entity connected to the revoked registration or  
10 license, or for such premises or for any part of the building containing  
11 such premises and connected therewith.

12 3. In determining whether to issue such a proscription against grant-  
13 ing any registration, license, or permit for such five-year period, in  
14 addition to any other factors deemed relevant to the office, the office  
15 shall, in the case of a license revoked due to the illegal sale of  
16 cannabis to a minor, determine whether the proposed subsequent licensee  
17 has obtained such premises through an arm's length transaction, and, if  
18 such transaction is not found to be an arm's length transaction, the  
19 office shall deny the issuance of such license.

20 4. For purposes of this section, "arm's length transaction" shall mean  
21 a sale of a fee of all undivided interests in real property, lease,  
22 management agreement, or other agreement giving the applicant control  
23 over the cannabis at the premises, or any part thereof, in the open  
24 market, between an informed and willing buyer and seller where neither  
25 is under any compulsion to participate in the transaction, unaffected by  
26 any unusual conditions indicating a reasonable possibility that the sale  
27 was made for the purpose of permitting the original licensee to avoid  
28 the effect of the revocation. The following sales shall be presumed not

1 to be arm's length transactions unless adequate documentation is  
2 provided demonstrating that the sale, lease, management agreement, or  
3 other agreement giving the applicant control over the cannabis at the  
4 premises, was not conducted, in whole or in part, for the purpose of  
5 permitting the original licensee to avoid the effect of the revocation:

6 (a) a sale between relatives;

7 (b) a sale between related companies or partners in a business; or

8 (c) a sale, lease, management agreement, or other agreement giving the  
9 applicant control over the cannabis at the premises, affected by other  
10 facts or circumstances that would indicate that the sale, lease, manage-  
11 ment agreement, or other agreement giving the applicant control over the  
12 cannabis at the premises, is entered into for the primary purpose of  
13 permitting the original licensee to avoid the effect of the revocation.

14 5. No registered organization, licensee or permittee shall transport  
15 cannabis products or medical cannabis except in vehicles owned and oper-  
16 ated by such registered organization, licensee or permittee, or hired  
17 and operated by such registered organization, licensee or permittee from  
18 a trucking or transportation company permitted and registered with the  
19 office.

20 6. No common carrier or person operating a transportation facility in  
21 this state, other than the United States government, shall receive for  
22 transportation or delivery within the state any cannabis products or  
23 medical cannabis unless registered, licensed or permitted pursuant to  
24 this chapter and 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, or agent or contractor of a registered organization, licensee or  
4 permittee shall be subject to arrest, prosecution, or penalty in any  
5 manner, or denied any right or privilege, including but not limited to  
6 civil liability or disciplinary action by a business or occupational or  
7 professional licensing board or office, solely for conduct permitted  
8 under this chapter. For the avoidance of doubt, the appellate division  
9 of the supreme court of the state of New York, and any disciplinary or  
10 character and fitness committees established by them are occupational  
11 and professional licensing boards within the meaning of this section.  
12 State or local law enforcement agencies shall not cooperate with or  
13 provide assistance to the government of the United States or any agency  
14 thereof in enforcing the federal controlled substances act, 21 U.S.C. et  
15 seq., solely for actions consistent with this chapter, except pursuant  
16 to an order of a court of competent jurisdiction.

17 2. No school or landlord may refuse to enroll or lease to and may not  
18 otherwise penalize a person solely for conduct allowed under this chap-  
19 ter, except as exempted:

20 (a) if failing to do so would cause the school or landlord to lose a  
21 monetary or licensing related benefit under federal law or regulations;

22 (b) if the institution has adopted a code of conduct prohibiting  
23 cannabis use on the basis of religious belief; or

24 (c) if a property is registered with the New York smoke-free housing  
25 registry, it is not required to permit the smoking of cannabis products  
26 on its premises.

27 3. For the purposes of medical care, including organ transplants, a  
28 certified patient's authorized use of medical cannabis must be consid-

1 ered the equivalent of the use of any other medication under the direc-  
2 tion of a practitioner and does not constitute the use of an illicit  
3 substance or otherwise disqualify a registered qualifying patient from  
4 medical care.

5 4. An employer may implement policies prohibiting the use or  
6 possession of cannabis in accordance with section two hundred one-d of  
7 the labor law, provided such policies are in writing as part of an  
8 established workplace policy, uniformly applied to all employees, and  
9 the employer gives prior written notice of such policies to employees.

10 5. An employer may take disciplinary or adverse employment action  
11 against an employee, including termination of employment, for violating  
12 an established workplace policy adopted under subdivision four of this  
13 section, or if the results of a drug test administered in accordance  
14 with applicable state and local law demonstrate that the employee was  
15 impaired by or under the influence of cannabis while in the workplace or  
16 during the performance of work. For the purposes of this subdivision, a  
17 drug test that solely yields a positive result for cannabis metabolites  
18 shall not be construed as proof that an employee is under the influence  
19 of or impaired by cannabis unless the test yields a positive result for  
20 active tetrahydrocannabinol, delta-9-tetrahydrocannabinol, delta-8-tet-  
21 rahydrocannabinol, or other active cannabinoid found in cannabis which  
22 causes impairment.

23 6. Nothing in this chapter permits any person to undertake any task  
24 under the influence of cannabis when doing so would constitute negli-  
25 gence or professional malpractice, jeopardize workplace safety, or to  
26 operate, navigate or be in actual physical control of any motor vehicle  
27 or other transport vehicle, aircraft, motorboat, machinery or equipment,  
28 or firearms under the influence of cannabis.

1 7. A person currently under parole, probation or other state super-  
2 vision, or released on recognizance, non-monetary conditions, or bail  
3 prior to being convicted, shall not be punished or otherwise penalized  
4 for conduct allowed under this chapter unless the terms and conditions  
5 of said parole, probation, or state supervision explicitly prohibit a  
6 person's cannabis use or any other conduct otherwise allowed under this  
7 chapter. A person's use of cannabis or conduct under this chapter shall  
8 not be prohibited unless it has been shown by clear and convincing  
9 evidence that the prohibition is reasonably related to the underlying  
10 crime. Nothing in this provision shall restrict the rights of a certi-  
11 fied medical patient.

12 § 128. Registrations and licenses. 1. No registration or license  
13 shall be transferable or assignable except that notwithstanding any  
14 other provision of law, the registration or license of a sole proprietor  
15 converting to corporate form, where such proprietor becomes the sole  
16 stockholder and only officer and director of such new corporation, may  
17 be transferred to the subject corporation if all requirements of this  
18 chapter remain the same with respect to such registration or license as  
19 transferred and, further, the registered organization or licensee shall  
20 transmit to the office, within ten days of the transfer of license  
21 allowable under this subdivision, on a form prescribed by the office,  
22 notification of the transfer of such license.

23 2. No registration, license or permit shall be pledged or deposited as  
24 collateral security for any loan or upon any other condition; and any  
25 such pledge or deposit, and any contract providing therefor, shall be  
26 void.

1 3. Licenses issued under this chapter shall contain, in addition to  
2 any further information or material to be prescribed by the rules of the  
3 office, the following information:

4 (a) name of the person to whom the license is issued;

5 (b) kind of license and what kind of traffic in cannabis is thereby  
6 permitted;

7 (c) description by street and number, or otherwise, of licensed prem-  
8 ises; and

9 (d) a statement in substance that such license shall not be deemed a  
10 property or vested right, and that it may be revoked at any time pursu-  
11 ant to law.

12 § 129. Laboratory testing permit. 1. The executive director, in  
13 consultation with the commissioner of health, shall approve and permit  
14 one or more independent cannabis testing laboratories to test medical  
15 cannabis, adult-use cannabis and/or cannabinoid hemp.

16 2. To be permitted as an independent cannabis laboratory, a laboratory  
17 must apply to the office, on a form and in a manner prescribed by the  
18 office, which may include a permit fee and must demonstrate the follow-  
19 ing to the satisfaction of the executive director:

20 (a) the owners and directors of the laboratory are of good moral char-  
21 acter;

22 (b) the laboratory and its staff has the skills, resources and exper-  
23 tise needed to accurately and consistently perform testing required for  
24 adult-use cannabis, medical cannabis and/or cannabinoid hemp;

25 (c) the laboratory has in place and will maintain adequate policies,  
26 procedures, and facility security to ensure proper: collection, label-  
27 ing, accessioning, preparation, analysis, result reporting, disposal and  
28 storage of adult-use cannabis, medical cannabis and/or cannabinoid hemp;

1 (d) the laboratory is physically located in New York state except as  
2 authorized in regulation; and

3 (e) the laboratory meets the requirements prescribed by this chapter  
4 and by regulation.

5 3. The owner of a laboratory testing permit under this section shall  
6 not hold a registration or license in any category of this chapter and  
7 shall not have any direct or indirect ownership interest in such regis-  
8 tered organization or licensee. No board member, officer, manager,  
9 owner, partner, principal stakeholder or member of a registered organ-  
10 ization or licensee under this chapter, or such person's immediate fami-  
11 ly member, shall have an interest or voting rights in any laboratory  
12 testing permittee.

13 4. The office shall require that the permitted laboratory report test-  
14 ing results to the office in a manner, form and timeframe as determined  
15 by the executive director.

16 5. The board is authorized to promulgate regulations establishing  
17 minimum operating and testing requirements, and requiring permitted  
18 laboratories to perform certain tests and services.

19 6. The executive director is authorized to enter into contracts or  
20 memoranda of understanding with any other state for the purposes of  
21 aligning laboratory testing requirements or establishing best practices  
22 in testing of cannabis.

23 § 130. Special use permits. The office is hereby authorized to issue  
24 the following kinds of permits for carrying on activities consistent  
25 with the policy and purpose of this chapter with respect to cannabis.  
26 The executive director has the authority to set fees for all permits  
27 issued pursuant to this section, to establish the periods during which  
28 permits are authorized.

1 1. Industrial cannabis permit - to purchase cannabis for use in the  
2 manufacture and sale of any of the following, when such cannabis is not  
3 otherwise suitable for consumption purposes, namely: (a) apparel, ener-  
4 gy, paper, and tools; (b) scientific, chemical, mechanical and indus-  
5 trial products; or (c) any other industrial use as determined by the  
6 executive director.

7 2. Nursery permit - to produce clones, immature plants, seeds, and  
8 other agricultural products used specifically for the planting, propa-  
9 gation, and cultivation of cannabis, and to sell such to licensed  
10 adult-use cultivators, registered organizations, and certified patients  
11 or their designated caregivers.

12 3. Solicitor's permit - to offer for sale or to solicit orders for the  
13 sale of any cannabis products and/or medical cannabis, as a represen-  
14 tative of a registered organization or licensee under this chapter.

15 4. Broker's permit - to act as a broker in the purchase and sale of  
16 cannabis products and/or medical cannabis for a fee or commission, for  
17 or on behalf of a person authorized to cultivate, process, distribute or  
18 dispense cannabis products, medical cannabis or cannabinoid hemp within  
19 the state.

20 5. Trucking permit - to allow for the trucking or transportation of  
21 cannabis products and/or medical cannabis by a person other than a  
22 registered organization or licensee under this chapter.

23 6. Warehouse permit - to allow for the storage of cannabis, cannabis  
24 products, or medical cannabis at a location not otherwise registered or  
25 licensed by the office.

26 7. Temporary retail cannabis permit - to authorize the retail sale of  
27 adult-use cannabis to cannabis consumers, for a limited purpose or dura-  
28 tion.

1 8. Caterer's permit - to authorize the service of cannabis products at  
2 a function, occasion or event in a hotel, restaurant, club, ballroom or  
3 other premises, which shall authorize within the hours fixed by the  
4 office, during which cannabis may lawfully be sold or served on the  
5 premises in which such function, occasion or event is held.

6 9. Packaging permit - to authorize a licensed cannabis distributor to  
7 sort, package, label and bundle cannabis products from one or more  
8 registered organizations or licensed processors, on the premises of the  
9 licensed cannabis distributor or at a warehouse for which a permit has  
10 been issued under this section.

11 10. Miscellaneous permits - to purchase, receive or sell cannabis,  
12 cannabis products or medical cannabis, or receipts, certificates,  
13 contracts or other documents pertaining to cannabis, cannabis products,  
14 or medical cannabis, or to provide specialized or certified ancillary  
15 services to support the implementation and purpose of this chapter, in  
16 cases not expressly provided for by this chapter, when in the judgment  
17 of the office it would be appropriate and consistent with the policy and  
18 purpose of this chapter.

19 § 132. Municipal control and preemption. 1. The provisions of article  
20 four of this chapter, authorizing the cultivation, processing, distrib-  
21 ution and sale of adult-use cannabis to cannabis consumers, shall not be  
22 applicable to a county, or city having a population of one hundred thou-  
23 sand or more residents, which on or before December thirty-first, two  
24 thousand twenty-one, adopts a local law, ordinance or resolution by a  
25 majority vote of its governing body, to completely prohibit the estab-  
26 lishment of one or more types of licenses contained in article four of  
27 this chapter, within the jurisdiction of such county or city. Any coun-  
28 ty law, ordinance or resolution passed by a county pursuant to this

1 subdivision shall not apply to a city that has a population of one  
2 hundred thousand or more residents and that is geographically located  
3 within the county unless such a prohibition is also adopted by a majori-  
4 ty vote of the city's governing body. No law, ordinance or resolution  
5 may be adopted after January first, two thousand twenty-two, completely  
6 prohibiting the establishment of one or more types of licenses contained  
7 in article four of this chapter.

8 2. Except as provided for in subdivision one of this section, all  
9 counties, towns, cities and villages are hereby preempted from adopting  
10 any rule, ordinance, regulation or prohibition pertaining to the opera-  
11 tion or licensure of registered organizations, adult-use cannabis  
12 licenses or cannabinoid hemp licenses. However, counties, cities, towns  
13 and villages, as applicable, may pass ordinances or regulations govern-  
14 ing the hours of operation and location of licensed adult-use cannabis  
15 retail dispensaries, provided such ordinances or regulations do not make  
16 the operation of such licensed retail dispensaries unreasonably imprac-  
17 ticable.

18 3. Local rules, ordinances, regulations or prohibitions enacted by a  
19 county, city, town, or village shall not require an adult-use cannabis  
20 applicant, licensee or permittee to enter into a community host agree-  
21 ment or pay any consideration to the municipality other than reasonable  
22 zoning and permitting fees.

23 4. Notwithstanding subdivision one of this section, adult-use canna-  
24 bis, medical cannabis and cannabinoid hemp farming and farm operations,  
25 on land located within an agricultural district, shall be deemed an  
26 approved activity under the relevant county, city, town, or village land  
27 use or zoning ordinances, rules, or regulations, inclusive of all neces-



1 sary ancillary farm operations as permitted by license pursuant to this  
2 chapter.

3 § 133. Office to be necessary party to certain proceedings. The  
4 office shall be made a party to all actions and proceedings affecting in  
5 any manner the possession, ownership or transfer of a registration,  
6 license or permit to operate within a municipality; to all injunction  
7 proceedings; and to all other civil actions or proceedings which in any  
8 manner affect the enjoyment of the privileges or the operation of the  
9 restrictions provided for in this chapter.

10 § 134. Penalties for violation of this chapter. 1. Any person who  
11 cultivates for sale or sells cannabis, cannabis products, medical canna-  
12 bis or cannabinoid hemp without having an appropriate registration,  
13 license or permit therefor, or whose registration, license, or permit  
14 has been revoked, surrendered or cancelled, upon first conviction there-  
15 of shall be guilty of a misdemeanor, punishable by a fine not more than  
16 five thousand dollars per violation, per day, and upon second conviction  
17 thereof shall be guilty of a class A misdemeanor punishable by a fine  
18 not more than ten thousand dollars per violation, per day, or a sentence  
19 of imprisonment not to exceed thirty days and upon all subsequent  
20 convictions thereof shall be an E felony punishable by a fine not more  
21 than twenty-five thousand dollars per violation, per day or a sentence  
22 of imprisonment not to exceed one year.

23 2. Any registered organization or licensee, whose registration or  
24 license has been suspended pursuant to the provisions of this chapter,  
25 who sells cannabis, cannabis products, medical cannabis or cannabinoid  
26 hemp during the suspension period, upon conviction thereof shall be  
27 guilty of an A misdemeanor, punishable punished by a fine of not more  
28 than five thousand dollars per violation, per day.

1 3. Any person who shall make any false statement in the application  
2 for or renewal of a registration, license or a permit under this chapter  
3 shall be guilty of a misdemeanor, and upon conviction thereof shall be  
4 punishable by a fine of not more than five thousand dollars.

5 4. Any violation by any person of any provision of this chapter for  
6 which no punishment or penalty is otherwise provided shall be a misde-  
7 meanor.

8 5. Nothing in this section shall prohibit the office from suspending,  
9 revoking, or denying a license, permit, registration, or application in  
10 addition to the penalties prescribed herein.

11 § 135. Revocation of registrations, licenses and permits for cause;  
12 procedure for revocation or cancellation. 1. Any registration, license  
13 or permit issued pursuant to this chapter may be revoked, cancelled,  
14 suspended and/or subjected to the imposition of a civil penalty for  
15 cause, and must be revoked for the following causes:

16 (a) the registered organization, licensee, permittee or his or her  
17 agent or employee has sold any illegal cannabis on the premises regis-  
18 tered, licensed or permitted;

19 (b) for transferring, assigning or hypothecating a registration,  
20 license or permit without prior written approval of the office;

21 (c) for failing to follow testing requirements prescribed under this  
22 chapter or falsifying testing results;

23 (d) for knowingly distributing cannabis products to persons under  
24 twenty-one years of age;

25 (e) for diverting, inverting or trafficking in cannabis to or from an  
26 illegal and unlicensed, registered, or permitted source in violation of  
27 this chapter; or

1 (f) for any other violation established in regulation which poses an  
2 imminent and substantial threat to public health, public safety, or the  
3 integrity of the state's cannabis regulatory structure.

4 2. Notwithstanding the issuance of a registration, license or permit  
5 by way of renewal, the office may revoke, cancel or suspend such regis-  
6 tration, license or permit and/or may impose a civil penalty against any  
7 holder of such registration, license or permit, as prescribed by this  
8 section, for causes or violations occurring during a license period  
9 which occurred prior to the issuance of such registration, license or  
10 permit.

11 3. (a) As used in this section, the term "for cause" shall also  
12 include the existence of a sustained and continuing pattern of miscon-  
13 duct, failure to adequately prevent diversion or disorder on or about  
14 the registered, licensed or permitted premises, or in the area in front  
15 of or adjacent to the registered or licensed premises, or in any parking  
16 lot provided by the registered organization or licensee for use by  
17 registered organization or licensee's patrons, which, in the judgment of  
18 the office, adversely affects or tends to affect the protection, health,  
19 welfare, safety, or repose of the inhabitants of the area in which the  
20 registered or licensed premises is located, or results in the licensed  
21 premises becoming a focal point for police attention, or is offensive to  
22 public decency.

23 (b) (i) As used in this section, the term "for cause" shall also  
24 include deliberately misleading the authority:

25 (A) as to the nature and character of the business to be operated by  
26 the registered organization, licensee or permittee; or

1 (B) by substantially altering the nature or character of such business  
2 during the registration or licensing period without seeking appropriate  
3 approvals from the office.

4 (ii) As used in this subdivision, the term "substantially altering the  
5 nature or character" of such business shall mean any significant alter-  
6 ation in the scope of business activities conducted by a registered  
7 organization, licensee or permittee that would require obtaining an  
8 alternate form of registration, license or permit.

9 4. As used in this chapter, the existence of a sustained and continu-  
10 ing pattern of misconduct, failure to adequately prevent diversion or  
11 disorder on or about the premises may be presumed upon the third inci-  
12 dent reported to the office by a law enforcement agency, or discovered  
13 by the office during the course of any investigation, of misconduct,  
14 diversion or disorder on or about the premises or related to the opera-  
15 tion of the premises.

16 5. The denial, revocation, or suspension of any application, license,  
17 permit, or registration issued to or submitted by a person, business, or  
18 entity may also be grounds for the denial, suspension, or revocation of  
19 any and all other licenses, permits, or registrations applied for by, or  
20 issued to said person, business, or entity if the executive director  
21 determines it necessary to protect public health and safety or that the  
22 person, business, and/or entities involved no longer possess the good  
23 moral character required to participate in the cannabis industry.

24 6. Any registration, license or permit issued by the office pursuant  
25 to this chapter may be revoked, cancelled or suspended and/or be  
26 subjected to the imposition of a monetary penalty in the manner  
27 prescribed by this section.

1 7. The office may on its own initiative, or on complaint of any  
2 person, institute proceedings to revoke, cancel or suspend any adult-use  
3 cannabis retail dispensary license and may impose a civil penalty  
4 against the licensee after a hearing at which the licensee shall be  
5 given an opportunity to be heard. Such hearing shall be held in such  
6 manner and upon such notice as may be prescribed by regulation.

7 8. All other registrations, licenses or permits issued under this  
8 chapter may be revoked, cancelled, suspended and/or made subject to the  
9 imposition of a civil penalty by the office after a hearing to be held  
10 in such manner and upon such notice as may be prescribed in regulation  
11 by the board.

12 9. Notwithstanding any other provision of this chapter, the office  
13 may: (a) revoke or refuse to issue any class or type of license, permit,  
14 or registration if it determines that failing to do so would conflict  
15 with any federal law or guidance pertaining to regulatory, enforcement  
16 and other systems that states, businesses, or other institutions may  
17 implement to mitigate the potential for federal intervention or enforce-  
18 ment. This provision shall not be construed to prohibit the overall  
19 implementation and administration of this chapter on account of the  
20 federal classification of marijuana or cannabis as a schedule I  
21 substance or any other federal prohibitions or restrictions; and

22 (b) the board may adopt rules and regulations based on federal guid-  
23 ance, provided those rules and regulations are designed to comply with  
24 federal guidance and mitigate federal enforcement against the registra-  
25 tions, licenses, or permits issued under this chapter, or the cannabis  
26 industry as a whole. This may include regulations which permit the shar-  
27 ing of licensee, registrant, or permit holder information with desig-  
28 nated banking or financial institutions, provided these regulations are

1 designed to aid cannabis industry participants' access to banking and  
2 financial services.

3 § 136. Lawful actions pursuant to this chapter. 1. Contracts related  
4 to the operation of registered organizations, licenses and permits under  
5 this chapter shall be lawful and shall not be deemed unenforceable on  
6 the basis that the actions permitted pursuant to the registration,  
7 license or permit are prohibited by federal law.

8 2. The following actions are not unlawful as provided under this chap-  
9 ter, shall not be an offense under any state or local law, and shall not  
10 result in any civil fine, seizure, or forfeiture of assets against any  
11 person acting in accordance with this chapter:

12 (a) Actions of a registered organization, licensee, or permittee, or  
13 the employees or agents of such registered organization, licensee or  
14 permittee, as permitted by this chapter and consistent with rules and  
15 regulations of the office, pursuant to a valid registration, license or  
16 permit issued by the office.

17 (b) Actions of those who allow property to be used by a registered  
18 organization, licensee, or permittee, or the employees or agents of such  
19 registered organization, licensee or permittee, as permitted by this  
20 chapter and consistent with rules and regulations of the office, pursu-  
21 ant to a valid registration, license or permit issued by the office.

22 (c) Actions of any person or entity, their employees, or their agents  
23 providing a service to a registered organization, licensee, permittee or  
24 a potential registered organization, licensee, or permittee, as permit-  
25 ted by this chapter and consistent with rules and regulations of the  
26 office, relating to the formation of a business.

27 (d) The purchase, possession, or consumption of cannabis, medical  
28 cannabis and cannabinoid hemp, as permitted by this chapter and consist-

1 ent with rules and regulations of the office, obtained from a validly  
2 registered, licensed or permitted retailer.

3 § 137. Review by courts. 1. The following actions by the office shall  
4 be subject to review by the supreme court in the manner provided in  
5 article seventy-eight of the civil practice law and rules:

6 (a) refusal by the office to issue a registration, license, or a  
7 permit;

8 (b) the revocation, cancellation or suspension of a registration,  
9 license, or permit by the office;

10 (c) the failure or refusal by the office to render a decision upon any  
11 completed application for a license, registration or permit, or hearing  
12 submitted to or held by the office within sixty days after such  
13 submission of a completed application or hearing;

14 (d) the transfer by the office of a registration, license, or permit  
15 to any other entity or premises, or refusal by the office to approve  
16 such a transfer; and

17 (e) refusal to approve a corporate change in stockholders, stockhold-  
18 ings, officers or directors.

19 2. No stay shall be granted pending the determination of such matter  
20 except on notice to the office and only for a period of less than thirty  
21 days. In no instance shall a stay be granted where the office has issued  
22 a summary suspension of a registration, license, or permit for the  
23 protection of the public health, safety, and welfare.

24 § 138. Illicit cannabis. 1. "Illicit cannabis" means and includes any  
25 cannabis product or medical cannabis owned, cultivated, distributed,  
26 bought, sold, packaged, rectified, blended, treated, fortified, mixed,  
27 processed, warehoused, possessed or transported, on which any tax  
28 required to have been paid under any applicable state law has not been

1 paid; or any adult-use cannabis or medical cannabis product the form,  
2 packaging, or content of which is not permitted by the office, as appli-  
3 cable.

4 2. Any person who shall knowingly possess or have under his or her  
5 control any illicit cannabis is guilty of a misdemeanor.

6 3. Any person who shall knowingly barter or exchange with, or sell,  
7 give or offer to sell or to give another any illicit cannabis is guilty  
8 of a class A misdemeanor.

9 4. Any person who shall possess or have under his or her control or  
10 transport any illicit cannabis with intent to barter or exchange with,  
11 or to sell or give to another the same or any part thereof is guilty of  
12 a class A misdemeanor. Such intent is presumptively established by proof  
13 that the person knowingly possessed or had under his or her control one  
14 or more ounces, or an equivalent amount as determined by the board in  
15 regulation, of illicit cannabis. This presumption may be rebutted.

16 5. Any person who, being the owner, lessee, or occupant of any room,  
17 shed, tenement, booth or building, float or vessel, or part thereof,  
18 knowingly permits the same to be used for the cultivation, processing,  
19 distribution, purchase, sale, warehousing, transportation, or storage of  
20 any illicit cannabis, is guilty of a misdemeanor.

21 § 139. Injunction for unlawful manufacturing, sale, distribution, or  
22 consumption of cannabis. 1. If any person shall engage or participate  
23 or be about to engage or participate in the cultivation, production,  
24 distribution, traffic, or sale of cannabis products, medical cannabis or  
25 cannabinoid hemp in this state without obtaining the appropriate regis-  
26 tration, license, or permit therefor, or shall traffic in cannabis  
27 products, medical cannabis or cannabinoid hemp contrary to any provision  
28 of this chapter, or otherwise unlawfully, or shall traffic in illicit



1 cannabis or, operating either a place for profit or pecuniary gain, or a  
2 not-for-profit basis, with a capacity for the assemblage of twenty or  
3 more persons, shall permit a person or persons to come to such place of  
4 assembly for the purpose of consuming cannabis products without having  
5 the appropriate license or permit therefor, the office may present a  
6 verified petition or complaint to a justice of the supreme court at a  
7 special term of the supreme court of the judicial district in which such  
8 city, village or town is situated, for an order enjoining such person  
9 engaging or participating in such activity or from carrying on such  
10 business. Such petition or complaint shall state the facts upon which  
11 such application is based. Upon the presentation of the petition or  
12 complaint, the justice or court may grant an order temporarily restrain-  
13 ing any person from continuing to engage in conduct as specified in the  
14 petition or complaint, and shall grant an order requiring such person to  
15 appear before such justice or court at or before a special term of the  
16 supreme court in such judicial district on the day specified therein,  
17 not more than ten days after the granting thereof, to show cause why  
18 such person should not be permanently enjoined from engaging or partic-  
19 ipating in such activity or from carrying on such business, or why such  
20 person should not be enjoined from carrying on such business contrary to  
21 the provisions of this chapter. A copy of such petition or complaint and  
22 order shall be served upon the person, in the manner directed by such  
23 order, not less than three days before the return day thereof. On the  
24 day specified in such order, the justice or court before whom the same  
25 is returnable shall hear the proofs of the parties and may, if deemed  
26 necessary or proper, take testimony in relation to the allegations of  
27 the petition or complaint. If the justice or court is satisfied that  
28 such person is about to engage or participate in the unlawful traffic in

1 cannabis, medical cannabis or cannabinoid hemp or has unlawfully culti-  
2 vated, processed, or sold cannabis products, medical cannabis or canna-  
3 binoid hemp without having obtained a registration or license or contra-  
4 ry to the provisions of this chapter, or has trafficked in illicit  
5 cannabis, or, is operating or is about to operate such place for profit  
6 or pecuniary gain, with such capacity, and has permitted or is about to  
7 permit a person or persons to come to such place of assembly for the  
8 purpose of consuming cannabis products without having such appropriate  
9 license, an order shall be granted enjoining such person from thereafter  
10 engaging or participating in or carrying on such activity or business,  
11 and allowing for the seizure of such illicit cannabis without limit. If,  
12 after the entry of such an order in the county clerk's office of the  
13 county in which the principal place of business of the corporation or  
14 partnership is located, or in which the individual so enjoined resides  
15 or conducts such business, and the service of a copy thereof upon such  
16 person, or such substituted service as the court may direct, such  
17 person, partnership or corporation shall, in violation of such order,  
18 cultivate, process, distribute or sell cannabis products, medical canna-  
19 bis or cannabinoid hemp, or illicit cannabis, or permit a person or  
20 persons to come to such place of assembly for the purpose of consuming  
21 cannabis products, such activity shall be deemed a contempt of court and  
22 be punishable in the manner provided by the judiciary law, and, in addi-  
23 tion to any such punishment, the justice or court before whom or which  
24 the petition or complaint is heard, may, in his or its discretion, order  
25 the seizure and forfeiture of any cannabis products and any fixtures,  
26 equipment and supplies used in the operation or promotion of such ille-  
27 gal activity and such property shall be subject to forfeiture pursuant  
28 to law. Costs upon the application for such injunction may be awarded in

1 favor of and against the parties thereto in such sums as in the  
2 discretion of the justice or court before whom or which the petition or  
3 complaint is heard may seem proper.

4 2. The owner, lessor and lessee of a building, erection or place where  
5 cannabis products, medical cannabis or cannabinoid hemp is unlawfully  
6 cultivated, processed, distributed, sold, consumed or permitted to be  
7 unlawfully cultivated, processed, distributed, sold or consumed may be  
8 made a respondent or defendant in the proceeding or action.

9 3. The gift or transfer of cannabis in conjunction with the transfer  
10 of any money, consideration or value, or another item or any other  
11 services in an effort to evade laws, licensing, permitting, and regis-  
12 tration requirements governing the sale of cannabis shall be considered  
13 an unlawful activity under this chapter.

14 § 140. Persons forbidden to traffic cannabis; certain officials not to  
15 be interested in manufacture or sale of cannabis products. 1. The  
16 following are forbidden to traffic in cannabis:

17 (a) Except as provided in subdivision one-a of this section, a person  
18 who has been convicted of a felony, unless subsequent to such conviction  
19 such person shall have received an executive pardon therefor removing  
20 this disability, a certificate of good conduct granted by the department  
21 of corrections and community supervision, or a certificate of relief  
22 from disabilities granted by the department of corrections and community  
23 supervision or a court of this state pursuant to the provisions of arti-  
24 cle twenty-three of the correction law to remove the disability under  
25 this section because of such conviction;

26 (b) A person under the age of twenty-one years;

27 (c) A person who is not a citizen of the United States or an alien  
28 lawfully admitted for permanent residence in the United States;

1 (d) A partnership or a corporation, unless each member of the partner-  
2 ship, or each of the principal officers and directors of the corpo-  
3 ration, is a citizen of the United States or an alien lawfully admitted  
4 for permanent residence in the United States, not less than twenty-one  
5 years of age, and has not been convicted of any felony, or if so  
6 convicted has received, subsequent to such conviction, an executive  
7 pardon therefor removing this disability a certificate of good conduct  
8 granted by the department of corrections and community supervision, or a  
9 certificate of relief from disabilities granted by the department of  
10 corrections and community supervision or a court of this state pursuant  
11 to the provisions of article twenty-three of the correction law to  
12 remove the disability under this section because of such conviction;  
13 provided however that a corporation which otherwise conforms to the  
14 requirements of this section and chapter may be licensed if each of its  
15 principal officers and more than one-half of its directors are citizens  
16 of the United States or aliens lawfully admitted for permanent residence  
17 in the United States; and provided further that a corporation organized  
18 under the not-for-profit corporation law or the education law which  
19 otherwise conforms to the requirements of this section and chapter may  
20 be licensed if each of its principal officers and more than one-half of  
21 its directors are not less than twenty-one years of age and none of its  
22 directors are less than eighteen years of age; and provided further that  
23 a corporation organized under the not-for-profit corporation law or the  
24 education law and located on the premises of a college as defined by  
25 section two of the education law which otherwise conforms to the  
26 requirements of this section and chapter may be licensed if each of its  
27 principal officers and each of its directors are not less than twenty-  
28 one years of age;

1 (e) A person who shall have had any registration or license issued  
2 under this chapter revoked for cause, until no less than two years from  
3 the date of such revocation;

4 (f) A person not registered or licensed under the provisions of this  
5 chapter, who has been convicted of a violation of this chapter, until no  
6 less than two years from the date of such conviction; or

7 (g) A corporation or partnership, if any officer and director or any  
8 partner, while not licensed under the provisions of this chapter, has  
9 been convicted of a violation of this chapter, or has had a registration  
10 or license issued under this chapter revoked for cause, until no less  
11 than two years from the date of such conviction or revocation.

12 1-a. Notwithstanding the provision of subdivision one of this section,  
13 a corporation holding a registration or license to traffic cannabis  
14 products or medical cannabis may, upon conviction of a felony be auto-  
15 matically forbidden to traffic in cannabis products or medical cannabis,  
16 and the application for a registered organization or license by such a  
17 corporation may be subject to denial, and the registration or license of  
18 such a corporation may be subject to revocation or suspension by the  
19 office pursuant, consistent with the provisions of article  
20 twenty-three-A of the correction law. For any felony conviction by a  
21 court other than a court of this state, the office may request the  
22 department of corrections and community supervision to investigate and  
23 review the facts and circumstances concerning such a conviction, and  
24 such department shall, if so requested, submit its findings to the  
25 office as to whether the corporation has conducted itself in a manner  
26 such that discretionary review by the office would not be inconsistent  
27 with the public interest. The department of corrections and community  
28 supervision may charge the registered organization, licensee or appli-

1 cant a fee equivalent to the expenses of an appropriate investigation  
2 under this subdivision. For any conviction rendered by a court of this  
3 state, the office may request the corporation, if the corporation is  
4 eligible for a certificate of relief from disabilities, to seek such a  
5 certificate from the court which rendered the conviction and to submit  
6 such a certificate as part of the office's discretionary review process.

7 2. Except as may otherwise be provided for in regulation, it shall be  
8 unlawful for any police commissioner, police inspector, captain,  
9 sergeant, roundsman, patrolman or other police official or subordinate  
10 of any police department in the state, to be either directly or indi-  
11 rectly interested in the cultivation, processing, distribution, or sale  
12 of cannabis products or to offer for sale, or recommend to any regis-  
13 tered organization or licensee any cannabis products. A person may not  
14 be denied any registration or license granted under the provisions of  
15 this chapter solely on the grounds of being the spouse of a public serv-  
16 ant described in this section. The solicitation or recommendation made  
17 to any registered organization or licensee, to purchase any cannabis  
18 products by any police official or subordinate as hereinabove described,  
19 shall be presumptive evidence of the interest of such official or subor-  
20 dinate in the cultivation, processing, distribution, or sale of cannabis  
21 products.

22 3. No elective village officer shall be subject to the limitations set  
23 forth in subdivision two of this section unless such elective village  
24 officer shall be assigned duties directly relating to the operation or  
25 management of the police department or have direct authority over any  
26 applicable local licensing requirements or approvals.

27 § 141. Access to criminal history information through the division of  
28 criminal justice services. In connection with the administration of

1 this chapter, the office is authorized to request, receive and review  
2 criminal history information through the division of criminal justice  
3 services with respect to any person seeking a registration, license,  
4 permit or authorization to cultivate, process, distribute or sell  
5 medical cannabis or adult-use cannabis. At the office's request, each  
6 person, member, principal and/or officer of the applicant shall submit  
7 to the office his or her fingerprints in such form and in such manner as  
8 specified by the division, for the purpose of conducting a criminal  
9 history search and returning a report thereon in accordance with the  
10 procedures and requirements established by the division pursuant to the  
11 provisions of article thirty-five of the executive law, which shall  
12 include the payment of the prescribed processing fees for the cost of  
13 the division's full search and retain procedures and a national criminal  
14 history record check. The executive director, or his or her designee,  
15 shall submit such fingerprints and the processing fee to the division.  
16 The division shall forward to the office a report with respect to the  
17 applicant's previous criminal history, if any, or a statement that the  
18 applicant has no previous criminal history according to its files. Fing-  
19 erprints submitted to the division pursuant to this subdivision may also  
20 be submitted to the federal bureau of investigation for a national crim-  
21 inal history record check. If additional copies of fingerprints are  
22 required, the applicant shall furnish them upon request.

23 § 3. Intentionally omitted.

24 § 4. Section 3302 of the public health law, as added by chapter 878 of  
25 the laws of 1972, subdivisions 1, 14, 16, 17 and 27 as amended and  
26 subdivisions 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 20, 22, 23, 24, 25,  
27 26, 28, 29 and 30 as renumbered by chapter 537 of the laws of 1998,  
28 subdivisions 9 and 10 as amended and subdivisions 34, 35, 36, 37, 38, 39

1 and 40 as added by chapter 178 of the laws of 2010, paragraph (a) of  
2 subdivision 20, the opening paragraph of subdivision 22 and subdivision  
3 29 as amended by chapter 163 of the laws of 1973, subdivision 21 as  
4 amended by chapter 1 of the laws of 2020, subdivision 31 as amended by  
5 section 4 of part A of chapter 58 of the laws of 2004, subdivision 41 as  
6 added by section 6 of part A of chapter 447 of the laws of 2012, and  
7 subdivisions 42 and 43 as added by section 13 of part D of chapter 60 of  
8 the laws of 2014, is amended to read as follows:

9 § 3302. Definitions of terms of general use in this article. Except  
10 where different meanings are expressly specified in subsequent  
11 provisions of this article, the following terms have the following mean-  
12 ings:

13 1. "Addict" means a person who habitually uses a controlled substance  
14 for a non-legitimate or unlawful use, and who by reason of such use is  
15 dependent thereon.

16 2. "Administer" means the direct application of a controlled  
17 substance, whether by injection, inhalation, ingestion, or any other  
18 means, to the body of a patient or research subject.

19 3. "Agent" means an authorized person who acts on behalf of or at the  
20 direction of a manufacturer, distributor, or dispenser. No person may be  
21 authorized to so act if under title VIII of the education law such  
22 person would not be permitted to engage in such conduct. It does not  
23 include a common or contract carrier, public warehouseman, or employee  
24 of the carrier or warehouseman when acting in the usual and lawful  
25 course of the carrier's or warehouseman's business.

26 4. ["Concentrated Cannabis" means

27 (a) the separated resin, whether crude or purified, obtained from a  
28 plant of the genus Cannabis; or



1 (b) a material, preparation, mixture, compound or other substance  
2 which contains more than two and one-half percent by weight of delta-9  
3 tetrahydrocannabinol, or its isomer, delta-8 dibenzopyran numbering  
4 system, or delta-1 tetrahydrocannabinol or its isomer, delta 1 (6) mono-  
5 terpene numbering system.

6 5.] "Controlled substance" means a substance or substances listed in  
7 section thirty-three hundred six of this [chapter] title.

8 [6.] 5. "Commissioner" means commissioner of health of the state of  
9 New York.

10 [7.] 6. "Deliver" or "delivery" means the actual, constructive or  
11 attempted transfer from one person to another of a controlled substance,  
12 whether or not there is an agency relationship.

13 [8.] 7. "Department" means the department of health of the state of  
14 New York.

15 [9.] 8. "Dispense" means to deliver a controlled substance to an ulti-  
16 mate user or research subject by lawful means, including by means of the  
17 internet, and includes the packaging, labeling, or compounding necessary  
18 to prepare the substance for such delivery.

19 [10.] 9. "Distribute" means to deliver a controlled substance, includ-  
20 ing by means of the internet, other than by administering or dispensing.

21 [11.] 10. "Distributor" means a person who distributes a controlled  
22 substance.

23 [12.] 11. "Diversion" means manufacture, possession, delivery or use  
24 of a controlled substance by a person or in a manner not specifically  
25 authorized by law.

26 [13.] 12. "Drug" means

1 (a) substances recognized as drugs in the official United States Phar-  
2 macopoeia, official Homeopathic Pharmacopoeia of the United States, or  
3 official National Formulary, or any supplement to any of them;

4 (b) substances intended for use in the diagnosis, cure, mitigation,  
5 treatment, or prevention of disease in man or animals; and

6 (c) substances (other than food) intended to affect the structure or a  
7 function of the body of man or animal. It does not include devices or  
8 their components, parts, or accessories.

9 [14.] 13. "Federal agency" means the Drug Enforcement Administration,  
10 United States Department of Justice, or its successor agency.

11 [15.] 14. "Federal controlled substances act" means the Comprehensive  
12 Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, and  
13 any act or acts amendatory or supplemental thereto or regulations  
14 promulgated thereunder.

15 [16.] 15. "Federal registration number" means such number assigned by  
16 the Federal agency to any person authorized to manufacture, distribute,  
17 sell, dispense or administer controlled substances.

18 [17.] 16. "Habitual user" means any person who is, or by reason of  
19 repeated use of any controlled substance for non-legitimate or unlawful  
20 use is in danger of becoming, dependent upon such substance.

21 [18.] 17. "Institutional dispenser" means a hospital, veterinary  
22 hospital, clinic, dispensary, maternity home, nursing home, mental  
23 hospital or similar facility approved and certified by the department as  
24 authorized to obtain controlled substances by distribution and to  
25 dispense and administer such substances pursuant to the order of a prac-  
26 titioner.

27 [19.] 18. "License" means a written authorization issued by the  
28 department or the New York state department of education permitting

1 persons to engage in a specified activity with respect to controlled  
2 substances.

3 [20.] 19. "Manufacture" means the production, preparation, propa-  
4 gation, compounding, cultivation, conversion or processing of a  
5 controlled substance, either directly or indirectly or by extraction  
6 from substances of natural origin, or independently by means of chemical  
7 synthesis, or by a combination of extraction and chemical synthesis, and  
8 includes any packaging or repackaging of the substance or labeling or  
9 relabeling of its container, except that this term does not include the  
10 preparation, compounding, packaging or labeling of a controlled  
11 substance:

12 (a) by a practitioner as an incident to his or her administering or  
13 dispensing of a controlled substance in the course of his professional  
14 practice; or

15 (b) by a practitioner, or by his or her authorized agent under his or  
16 her supervision, for the purpose of, or as an incident to, research,  
17 teaching, or chemical analysis and not for sale; or

18 (c) by a pharmacist as an incident to his or her dispensing of a  
19 controlled substance in the course of his or her professional practice.

20 [21. "Marihuana" means all parts of the plant of the genus Cannabis,  
21 whether growing or not; the seeds thereof; the resin extracted from any  
22 part of the plant; and every compound, manufacture, salt, derivative,  
23 mixture, or preparation of the plant, its seeds or resin. The term  
24 "marihuana" shall not include:

25 (a) the mature stalks of the plant, fiber produced from the stalks,  
26 oil or cake made from the seeds of the plant, any other compound, manu-  
27 facture, salt, derivative, mixture, or preparation of the mature stalks

1 (except the resin extracted therefrom), fiber, oil, or cake, or the  
2 sterilized seed of the plant which is incapable of germination;

3 (b) hemp, as defined in subdivision one of section five hundred five  
4 of the agriculture and markets law;

5 (c) cannabinoid hemp as defined in subdivision two of section thirty-  
6 three hundred ninety-eight of this chapter; or

7 (d) hemp extract as defined in subdivision five of section thirty-  
8 three hundred ninety-eight of this chapter.

9 22.] 20. "Narcotic drug" means any of the following, whether produced  
10 directly or indirectly by extraction from substances of vegetable  
11 origin, or independently by means of chemical synthesis, or by a combi-  
12 nation of extraction and chemical synthesis:

13 (a) opium and opiate, and any salt, compound, derivative, or prepara-  
14 tion of opium or opiate;

15 (b) any salt, compound, isomer, derivative, or preparation thereof  
16 which is chemically equivalent or identical with any of the substances  
17 referred to in [subdivision] paragraph (a) of this subdivision, but not  
18 including the isoquinoline alkaloids of opium;

19 (c) opium poppy and poppy straw.

20 [23.] 21. "Opiate" means any substance having an addiction-forming or  
21 addiction-sustaining liability similar to morphine or being capable of  
22 conversion into a drug having addiction-forming or addiction-sustaining  
23 liability. It does not include, unless specifically designated as  
24 controlled under section [3306] thirty-three hundred six of this [arti-  
25 cle] title, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and  
26 its salts (dextromethorphan). It does include its racemic and levorota-  
27 tory forms.

1 [24.] 22. "Opium poppy" means the plant of the species *Papaver*  
2 *somniferum* L., except its seeds.

3 [25.] 23. "Person" means individual, institution, corporation, govern-  
4 ment or governmental subdivision or agency, business trust, estate,  
5 trust, partnership or association, or any other legal entity.

6 [26.] 24. "Pharmacist" means any person licensed by the state depart-  
7 ment of education to practice pharmacy.

8 [27.] 25. "Pharmacy" means any place registered as such by the New  
9 York state board of pharmacy and registered with the Federal agency  
10 pursuant to the federal controlled substances act.

11 [28.] 26. "Poppy straw" means all parts, except the seeds, of the  
12 opium poppy, after mowing.

13 [29.] 27. "Practitioner" means:

14 A physician, dentist, podiatrist, veterinarian, scientific investi-  
15 gator, or other person licensed, or otherwise permitted to dispense,  
16 administer or conduct research with respect to a controlled substance in  
17 the course of a licensed professional practice or research licensed  
18 pursuant to this article. Such person shall be deemed a "practitioner"  
19 only as to such substances, or conduct relating to such substances, as  
20 is permitted by his license, permit or otherwise permitted by law.

21 [30.] 28. "Prescribe" means a direction or authorization, by  
22 prescription, permitting an ultimate user lawfully to obtain controlled  
23 substances from any person authorized by law to dispense such  
24 substances.

25 [31.] 29. "Prescription" shall mean an official New York state  
26 prescription, an electronic prescription, an oral prescription[, ] or an  
27 out-of-state prescription[, or any one].

1 [32.] 30. "Sell" means to sell, exchange, give or dispose of to another,  
2 er, or offer or agree to do the same.

3 [33.] 31. "Ultimate user" means a person who lawfully obtains and  
4 possesses a controlled substance for his own use or the use by a member  
5 of his household or for an animal owned by him or in his custody. It  
6 shall also mean and include a person designated, by a practitioner on a  
7 prescription, to obtain such substance on behalf of the patient for whom  
8 such substance is intended.

9 [34.] 32. "Internet" means collectively computer and telecommunications  
10 facilities which comprise the worldwide network of networks that  
11 employ a set of industry standards and protocols, or any predecessor or  
12 successor protocol to such protocol, to exchange information of all  
13 kinds. "Internet," as used in this article, also includes other  
14 networks, whether private or public, used to transmit information by  
15 electronic means.

16 [35.] 33. "By means of the internet" means any sale, delivery,  
17 distribution, or dispensing of a controlled substance that uses the  
18 internet, is initiated by use of the internet or causes the internet to  
19 be used.

20 [36.] 34. "Online dispenser" means a practitioner, pharmacy, or person  
21 in the United States that sells, delivers or dispenses, or offers to  
22 sell, deliver, or dispense, a controlled substance by means of the  
23 internet.

24 [37.] 35. "Electronic prescription" means a prescription issued with  
25 an electronic signature and transmitted by electronic means in accordance  
26 with regulations of the commissioner and the commissioner of education  
27 and consistent with federal requirements. A prescription generated  
28 on an electronic system that is printed out or transmitted via facsimile

1 is not considered an electronic prescription and must be manually  
2 signed.

3 [38.] 36. "Electronic" means of or relating to technology having elec-  
4 trical, digital, magnetic, wireless, optical, electromagnetic or similar  
5 capabilities. "Electronic" shall not include facsimile.

6 [39.] 37. "Electronic record" means a paperless record that is  
7 created, generated, transmitted, communicated, received or stored by  
8 means of electronic equipment and includes the preservation, retrieval,  
9 use and disposition in accordance with regulations of the commissioner  
10 and the commissioner of education and in compliance with federal law and  
11 regulations.

12 [40.] 38. "Electronic signature" means an electronic sound, symbol, or  
13 process, attached to or logically associated with an electronic record  
14 and executed or adopted by a person with the intent to sign the record,  
15 in accordance with regulations of the commissioner and the commissioner  
16 of education.

17 [41.] 39. "Registry" or "prescription monitoring program registry"  
18 means the prescription monitoring program registry established pursuant  
19 to section thirty-three hundred forty-three-a of this article.

20 [42.] 40. "Compounding" means the combining, admixing, mixing, dilut-  
21 ing, pooling, reconstituting, or otherwise altering of a drug or bulk  
22 drug substance to create a drug with respect to an outsourcing facility  
23 under section 503B of the federal Food, Drug and Cosmetic Act and  
24 further defined in this section.

25 [43.] 41. "Outsourcing facility" means a facility that:

26 (a) is engaged in the compounding of sterile drugs as defined in  
27 section sixty-eight hundred two of the education law;

1 (b) is currently registered as an outsourcing facility pursuant to  
2 article one hundred thirty-seven of the education law; and

3 (c) complies with all applicable requirements of federal and state  
4 law, including the Federal Food, Drug and Cosmetic Act.

5 Notwithstanding any other provision of law to the contrary, when an  
6 outsourcing facility distributes or dispenses any drug to any person  
7 pursuant to a prescription, such outsourcing facility shall be deemed to  
8 be providing pharmacy services and shall be subject to all laws, rules  
9 and regulations governing pharmacies and pharmacy services.

10 § 5. Paragraphs 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,  
11 26, 27, 28, 29, 30, 31 and 32 of subdivision (d) of schedule I of  
12 section 3306 of the public health law, paragraphs 13, 14, 15, 16, 17,  
13 18, 19, 20, 21, 22, 23 and 24 as added by chapter 664 of the laws of  
14 1985, paragraphs 25, 26, 27, 28, 29 and 30 as added by chapter 589 of  
15 the laws of 1996 and paragraphs 31 and 32 as added by chapter 457 of the  
16 laws of 2006, are amended to read as follows:

17 (13) [Marihuana.

18 (14)] Mescaline.

19 [(15)] (14) Parahexyl. Some trade or other names: 3-Hexyl-1-hydroxy-  
20 7,8,9,10-tetra hydro-6,6,9-trimethyl-6H-dibenfo{b,d} pyran.

21 [(16)] (15) Peyote. Meaning all parts of the plant presently classi-  
22 fied botanically as *Lophophora williamsii* Lemaire, whether growing or  
23 not, the seeds thereof, any extract from any part of such plant, and  
24 every compound, manufacture, salts, derivative, mixture, or preparation  
25 of such plant, its seeds or extracts.

26 [(17)] (16) N-ethyl-3-piperidyl benzilate.

27 [(18)] (17) N-methyl-3-piperidyl benzilate.

28 [(19)] (18) Psilocybin.



1 [(20)] (19) Psilocyn.

2 [(21)] (20) Synthetic Tetrahydrocannabinols. [Synthetic] tetrahydro-  
3 cannabinols not derived from the cannabis plant, or tetrahydrocannabi-  
4 nols manufactured or created from the cannabis plant but which were not  
5 produced by the cannabis plant during its cultivation or present at the  
6 time of harvest that are equivalents of the substances contained in the  
7 plant, or in the resinous extractives of cannabis, sp. and/or synthetic  
8 substances, derivatives, and their isomers with similar chemical struc-  
9 ture and pharmacological activity such as the following:

10 [/\] delta 1 cis or trans tetrahydrocannabinol, and their optical  
11 isomers

12 [/\] delta 6 cis or trans tetrahydrocannabinol, and their optical  
13 isomers

14 [/\] delta 3, 4 cis or trans tetrahydrocannabinol, and its optical  
15 isomers (since nomenclature of these substances is not internationally  
16 standardized, compounds of these structures, regardless of numerical  
17 designation of atomic positions covered).

18 Tetrahydrocannabinol created or produced by decarboxylation of tetrah-  
19 ydrocannabinolic acid produced from the cannabis plant through culti-  
20 vation or present at the time of harvest and/or any U.S. Food and Drug  
21 Administration approved product containing tetrahydrocannabinol shall  
22 not be considered a synthetic tetrahydrocannabinol.

23 [(22)] (21) Ethylamine analog of phencyclidine. Some trade or other  
24 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethyla-  
25 mine, N-(1-phenylcyclohexyl) ethylamine cyclohexamine, PCE.

26 [(23)] (22) Pyrrolidine analog of phencyclidine. Some trade or other  
27 names 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy, PHP.

1 [(24)] (23) Thiophene analog of phencyclidine. Some trade or other  
2 names: 1-{1-(2-thienyl)-cyclohexyl}-piperidine, 2-thienyl analog of  
3 phencyclidine, TPCP, TCP.

4 [(25)] (24) 3,4-methylenedioxyamphetamine (MDMA).

5 [(26)] (25) 3,4-methylenedioxy-N-ethylamphetamine (also known as  
6 N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA,  
7 MDE, MDEA.

8 [(27)] (26) N-hydroxy-3,4-methylenedioxyamphetamine (also known as  
9 N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and  
10 N-hydroxy MDA.

11 [(28)] (27) 1-{1-(2-thienyl) cyclohexyl} pyrrolidine. Some other  
12 names: TCPY.

13 [(29)] (28) Alpha-ethyltryptamine. Some trade or other names:  
14 etryptamine; Monase; Alpha-ethyl-1H-indole-3-ethanamine;  
15 3-(2-aminobutyl) indole; Alpha-ET or AET.

16 [(30)] (29) 2,5-dimethoxy-4-ethylamphetamine. Some trade or other  
17 names: DOET.

18 [(31)] (30) 4-Bromo-2,5-dimethoxyphenethylamine. Some trade or other  
19 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl  
20 DOB; 2C-B, Nexus.

21 [(32)] (31) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its  
22 optical isomers, salts and salts of isomers.

23 § 6. Title 5-A of article 33 of the public health law is REPEALED.

24 § 6-a. Article 33-B of the public health law is REPEALED.

25 § 7. Section 3382 of the public health law, as added by chapter 878 of  
26 the laws of 1972, is amended to read as follows:

27 § 3382. Growing of the plant known as Cannabis by unlicensed persons.

28 A person who, without being licensed so to do under this article or

1 articles three, four or five of the cannabis law, grows the plant of the  
2 genus Cannabis or knowingly allows it to grow on his land without  
3 destroying the same, shall be guilty of a class A misdemeanor.

4 § 8. Subdivision 1 of section 3397-b of the public health law, as  
5 added by chapter 810 of the laws of 1980, is amended to read as follows:

6 1. ["Marijuana"] "Cannabis" means [marijuana] cannabis as defined in  
7 [section thirty-three hundred two of this chapter] subdivision three of  
8 section three of the cannabis law and shall also include tetrahydrocan-  
9 nabinols or a chemical derivative of tetrahydrocannabinol.

10 § 9. 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; and every compound, manufac-  
25 ture, salt, derivative, mixture, or preparation of the plant, or its  
26 seeds. It does not include the mature stalks of the plant, fiber  
27 produced from the stalks, oil or cake made from the seeds of the plant,  
28 any other compound, manufacture, salt, derivative, mixture, or prepara-

1 tion of the mature stalks, fiber, oil, or cake, or the sterilized seed  
2 of the plant which is incapable of germination. It does not include all  
3 parts of the plant cannabis sativa l., whether growing or not, having no  
4 more than three-tenths of one percent tetrahydrocannabinol (THC).  
5 Cannabis does not include any drug product for which an application has  
6 been approved by the Federal Food and Drug Administration.

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 § 10. Subdivision 4 of section 220.06 of the penal law is REPEALED.

18 § 11. Subdivision 10 of section 220.09 of the penal law is REPEALED.

19 § 12. Subdivision 3 of section 220.34 of the penal law, as amended by  
20 chapter 537 of the laws of 1998, is amended to read as follows:

21 3. concentrated cannabis as defined in [paragraph (a) of subdivision  
22 four of section thirty-three hundred two of the public health law]  
23 subdivision twenty-one of section 220.00 of this article; or

24 § 13. Subdivision 4 of section 15.20 of the penal law, as added by  
25 chapter 75 of the laws of 1995, is amended to read as follows:

26 4. Notwithstanding the use of the term "knowingly" in any provision of  
27 this chapter defining an offense in which the aggregate weight of a  
28 controlled substance or [marihuana] cannabis is an element, knowledge by

1 the defendant of the aggregate weight of such controlled substance or  
2 [marihuana] cannabis is not an element of any such offense and it is  
3 not, unless expressly so provided, a defense to a prosecution therefor  
4 that the defendant did not know the aggregate weight of the controlled  
5 substance or [marihuana] cannabis.

6 § 14. Section 221.00 of the penal law, as amended by chapter 90 of the  
7 laws of 2014, is amended to read as follows:

8 § 221.00 [Marihuana] Cannabis; definitions.

9 Unless the context in which they are used clearly otherwise requires,  
10 the terms occurring in this article shall have the same meaning ascribed  
11 to them in article two hundred twenty of this chapter. Any act that is  
12 lawful under [title five-A of article thirty-three of the public health]  
13 articles three, four or five, of the cannabis law is not a violation of  
14 this article.

15 § 15. Section 221.00 of the penal law, as added by chapter 360 of the  
16 laws of 1977, is amended to read as follows:

17 § 221.00 [Marihuana] Cannabis; definitions.

18 Unless the context in which they are used clearly otherwise requires,  
19 the terms occurring in this article shall have the same meaning ascribed  
20 to them in article two hundred twenty of this chapter.

21 § 16. Section 221.05 of the penal law, as amended by chapter 131 of  
22 the laws of 2019, is amended to read as follows:

23 § 221.05 Unlawful possession of [marihuana] cannabis in the second  
24 degree.

25 A person is guilty of unlawful possession of [marihuana] cannabis in  
26 the second degree when he knowingly and unlawfully possesses [marihua-  
27 na.]:

28 1. cannabis and is less than twenty-one years of age; or

1 2. cannabis in a public place, as defined in section 240.00 of this  
2 part, and such cannabis is burning.

3 Unlawful possession of [marihuana] cannabis in the second degree is a  
4 violation punishable only by a fine of not more than fifty dollars when  
5 such possession is by a person less than twenty-one years of age and of  
6 an aggregate weight of less than one-half of one ounce of cannabis or  
7 less than two and one-half grams of concentrated cannabis or a fine of  
8 not more than one hundred dollars when such possession is by a person  
9 less than twenty-one years of age and of an aggregate weight more than  
10 one-half of one ounce of cannabis but not more than one ounce of canna-  
11 bis, or more than two and one-half grams of concentrated cannabis but  
12 not more than five grams of concentrated cannabis. Unlawful possession  
13 of cannabis in the second degree is punishable by a fine of not more  
14 than one hundred twenty-five dollars when such possession is in a public  
15 place and such cannabis is burning. The term "burning" shall mean and  
16 include smoking and vaping as such terms are defined in section thirteen  
17 hundred ninety-nine-n of the public health law.

18 § 16-a. Subdivision 8 of section 1399-n of the public health law, as  
19 amended by chapter 131 of the laws of 2019, is amended to read as  
20 follows:

21 8. "Smoking" means the burning of a lighted cigar, cigarette, pipe or  
22 any other matter or substance which contains tobacco or [marihuana]  
23 cannabis as defined in section [thirty-three hundred two of this chap-  
24 ter] 220.00 of the penal law.

25 § 17. Section 221.15 of the penal law, as amended by chapter 265 of  
26 the laws of 1979, the opening paragraph as amended by chapter 75 of the  
27 laws of 1995, is amended to read as follows:

1 § 221.15 [Criminal] Unlawful possession of [marihuana] cannabis in the  
2 [fourth] first degree.

3 A person is guilty of [criminal] unlawful possession of [marihuana]  
4 cannabis in the [fourth] first degree when he or she knowingly and  
5 unlawfully possesses [one or more preparations, compounds, mixtures or  
6 substances containing marihuana and the preparations, compounds,  
7 mixtures or substances are of] an aggregate weight of more than [two  
8 ounces] one ounce of cannabis or more than five grams of concentrated  
9 cannabis.

10 [Criminal] Unlawful possession of [marihuana] cannabis in the [fourth]  
11 first degree is a [class A misdemeanor] violation punishable by a fine  
12 of not more than one hundred twenty-five dollars. The provisions of this  
13 section shall not apply to certified patients or designated caregivers  
14 as lawfully registered under article three of the cannabis law.

15 § 18. Section 221.20 of the penal law, as amended by chapter 265 of  
16 the laws of 1979, the opening paragraph as amended by chapter 75 of the  
17 laws of 1995, is amended to read as follows:

18 § 221.20 Criminal possession of [marihuana] cannabis in the [third]  
19 second degree.

20 A person is guilty of criminal possession of [marihuana] cannabis in  
21 the [third] second degree when he or she knowingly and unlawfully  
22 possesses [one or more preparations, compounds, mixtures or substances  
23 containing marihuana and the preparations, compounds, mixtures or  
24 substances are of] an aggregate weight of more than [eight] two ounces  
25 of cannabis or more than ten grams of concentrated cannabis.

26 Criminal possession of [marihuana] cannabis in the [third] second  
27 degree is a class [E felony] A misdemeanor punishable by a fine not more  
28 than one hundred twenty-five dollars per ounce possessed in excess of

1 two ounces of cannabis or ten grams of concentrated cannabis. However,  
2 where the defendant has previously been convicted of an offense defined  
3 in this article or article two hundred twenty of this title, committed  
4 within the three years immediately preceding such violation, it shall be  
5 punishable (a) only by a fine of not more than two hundred dollars per  
6 ounce possessed in excess of two ounces, if the defendant was previously  
7 convicted of one such offense committed during such period, and (b) by a  
8 fine of not more than two hundred fifty dollars per ounce possessed in  
9 excess of two ounces or a term of imprisonment not in excess of fifteen  
10 days or both, if the defendant was previously convicted of two such  
11 offenses committed during such period. The provisions of this section  
12 shall not apply to certified patients or designated caregivers as  
13 lawfully registered under article three of the cannabis law.

14 § 19. Section 221.25 of the penal law, as amended by chapter 265 of  
15 the laws of 1979, the opening paragraph as amended by chapter 75 of the  
16 laws of 1995, is amended to read as follows:

17 § 221.25 Criminal possession of [marihuana] cannabis in the [second]  
18 first degree.

19 A person is guilty of criminal possession of [marihuana] cannabis in  
20 the [second] first degree when he or she knowingly and unlawfully  
21 possesses [one or more preparations, compounds, mixtures or substances  
22 containing marihuana and the preparations, compounds, mixtures or  
23 substances are of] an aggregate weight of more than [sixteen] sixty-four  
24 ounces of cannabis or more than eighty grams of concentrated cannabis.

25 Criminal possession of [marihuana] cannabis in the [second] first  
26 degree is a class [D] E felony.

27 § 20. Sections 221.10 and 221.30 of the penal law are REPEALED.



1 § 20-a. Paragraph (c) of subdivision 8 of section 700.05 of the crimi-  
2 nal procedure law, as amended by chapter 37 of the laws of 2014, is  
3 amended to read as follows:

4 (c) Criminal possession of a controlled substance in the seventh  
5 degree as defined in section 220.03 of the penal law, criminal  
6 possession of a controlled substance in the fifth degree as defined in  
7 section 220.06 of the penal law, criminal possession of a controlled  
8 substance in the fourth degree as defined in section 220.09 of the penal  
9 law, criminal possession of a controlled substance in the third degree  
10 as defined in section 220.16 of the penal law, criminal possession of a  
11 controlled substance in the second degree as defined in section 220.18  
12 of the penal law, criminal possession of a controlled substance in the  
13 first degree as defined in section 220.21 of the penal law, criminal  
14 sale of a controlled substance in the fifth degree as defined in section  
15 220.31 of the penal law, criminal sale of a controlled substance in the  
16 fourth degree as defined in section 220.34 of the penal law, criminal  
17 sale of a controlled substance in the third degree as defined in section  
18 220.39 of the penal law, criminal sale of a controlled substance in the  
19 second degree as defined in section 220.41 of the penal law, criminal  
20 sale of a controlled substance in the first degree as defined in section  
21 220.43 of the penal law, criminally possessing a hypodermic instrument  
22 as defined in section 220.45 of the penal law, criminal sale of a  
23 prescription for a controlled substance or a controlled substance by a  
24 practitioner or pharmacist as defined in section 220.65 of the penal  
25 law, criminal possession of methamphetamine manufacturing material in  
26 the second degree as defined in section 220.70 of the penal law, crimi-  
27 nal possession of methamphetamine manufacturing material in the first  
28 degree as defined in section 220.71 of the penal law, criminal

1 possession of precursors of methamphetamine as defined in section 220.72  
2 of the penal law, unlawful manufacture of methamphetamine in the third  
3 degree as defined in section 220.73 of the penal law, unlawful manufac-  
4 ture of methamphetamine in the second degree as defined in section  
5 220.74 of the penal law, unlawful manufacture of methamphetamine in the  
6 first degree as defined in section 220.75 of the penal law, unlawful  
7 disposal of methamphetamine laboratory material as defined in section  
8 220.76 of the penal law, operating as a major trafficker as defined in  
9 section 220.77 of the penal law, [criminal possession of marihuana in  
10 the first degree as defined in section 221.30 of the penal law, criminal  
11 sale of marihuana in the first degree as defined in section 221.55 of  
12 the penal law,] promoting gambling in the second degree as defined in  
13 section 225.05 of the penal law, promoting gambling in the first degree  
14 as defined in section 225.10 of the penal law, possession of gambling  
15 records in the second degree as defined in section 225.15 of the penal  
16 law, possession of gambling records in the first degree as defined in  
17 section 225.20 of the penal law, and possession of a gambling device as  
18 defined in section 225.30 of the penal law;

19 § 20-b. Paragraph (c) of subdivision 4-b and subdivisions 6 and 9 of  
20 section 1310 of the civil practice law and rules, paragraph (c) of  
21 subdivision 4-b as added by chapter 655 of the laws of 1990 and subdivi-  
22 sions 6 and 9 as added by chapter 669 of the laws of 1984, are amended  
23 to read as follows:

24 (c) a conviction of a person for a violation of section 220.09,  
25 220.16, 220.34 or 220.39 of the penal law, [or a conviction of a crimi-  
26 nal defendant for a violation of section 221.30 of the penal law,] or  
27 where the accusatory instrument charges any such felony, conviction upon  
28 a plea of guilty to a felony for which the plea is otherwise authorized

1 by law, together with evidence which: (i) provides substantial indicia  
2 that the defendant used the real property to engage in a continual,  
3 ongoing course of conduct involving the unlawful mixing, compounding,  
4 manufacturing, warehousing, or packaging of controlled substances [or  
5 where the conviction is for a violation of section 221.30 of the penal  
6 law, marijuana,] as part of an illegal trade or business for gain; and  
7 (ii) establishes, where the conviction is for possession of a controlled  
8 substance [or where the conviction is for a violation of section 221.30  
9 of the penal law, marijuana], that such possession was with the intent  
10 to sell it.

11 6. "Pre-conviction forfeiture crime" means only a felony defined in  
12 article two hundred twenty or section [221.30 or] 221.55 of the penal  
13 law.

14 9. "Criminal defendant" means a person who has criminal liability for  
15 a crime defined in subdivisions five and six [hereof] of this section.  
16 For purposes of this article, a person has criminal liability when (a)  
17 he has been convicted of a post-conviction forfeiture crime, or (b) the  
18 claiming authority proves by clear and convincing evidence that such  
19 person has committed an act in violation of article two hundred twenty  
20 or section [221.30 or] 221.55 of the penal law.

21 § 20-c. Paragraph (c) of subdivision 7 of section 480.00 of the penal  
22 law, as added by chapter 655 of the laws of 1990, is amended to read as  
23 follows:

24 (c) a conviction of a person for a violation of section 220.09,  
25 220.16, 220.34[,], or 220.39[, or 221.30] of this chapter, or where the  
26 accusatory instrument charges any such felony, conviction upon a plea of  
27 guilty to a felony for which the plea is otherwise authorized by law,  
28 together with evidence which: (i) provides substantial indicia that the

1 defendant used the real property to engage in a continual, ongoing  
2 course of conduct involving the unlawful mixing, compounding, manufac-  
3 turing, warehousing, or packaging of controlled substances [or where the  
4 conviction is for a violation of section 221.30 of this chapter, mari-  
5 juana] as part of an illegal trade or business for gain; and (ii) estab-  
6 lishes, where the conviction is for possession of a controlled substance  
7 [or where the conviction is for a violation of section 221.30 of this  
8 chapter, marijuana], that such possession was with the intent to sell  
9 it.

10 § 20-d. Paragraph (c) of subdivision 4 of section 509-cc of the vehi-  
11 cle and traffic law, as amended by chapter 368 of the laws of 2015, is  
12 amended to read as follows:

13 (c) The offenses referred to in subparagraph (i) of paragraph (b) of  
14 subdivision one and subparagraph (i) of paragraph (c) of subdivision two  
15 of this section that result in disqualification for a period of five  
16 years shall include a conviction under sections 100.10, 105.13, 115.05,  
17 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13,  
18 125.40, 125.45, 130.20, 130.25, 130.52, 130.55, 135.10, 135.55, 140.17,  
19 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09,  
20 220.16, 220.31, 220.34, 220.60, 220.65, [221.30,] 221.50, 221.55,  
21 230.00, 230.05, 230.06, 230.11, 230.12, 230.13, 230.19, 230.20, 235.05,  
22 235.06, 235.07, 235.21, 240.06, 245.00, 260.10, subdivision two of  
23 section 260.20 and sections 260.25, 265.02, 265.03, 265.08, 265.09,  
24 265.10, 265.12, 265.35 of the penal law or an attempt to commit any of  
25 the aforesaid offenses under section 110.00 of the penal law, or any  
26 similar offenses committed under a former section of the penal law, or  
27 any offenses committed under a former section of the penal law which  
28 would constitute violations of the aforesaid sections of the penal law,

1 or any offenses committed outside this state which would constitute  
2 violations of the aforesaid sections of the penal law.

3 § 20-e. Subdivision 1 of section 170.56 of the criminal procedure law,  
4 as amended by chapter 360 of the laws of 1977, is amended to read as  
5 follows:

6 1. Upon or after arraignment in a local criminal court upon an infor-  
7 mation, a prosecutor's information or a misdemeanor complaint, where the  
8 sole remaining count or counts charge a violation or violations of  
9 section 221.05, [221.10,] 221.15, 221.35 or 221.40 of the penal law and  
10 before the entry of a plea of guilty thereto or commencement of a trial  
11 thereof, the court, upon motion of a defendant, may order that all  
12 proceedings be suspended and the action adjourned in contemplation of  
13 dismissal, or upon a finding that adjournment would not be necessary or  
14 appropriate and the setting forth in the record of the reasons for such  
15 findings, may dismiss in furtherance of justice the accusatory instru-  
16 ment; provided, however, that the court may not order such adjournment  
17 in contemplation of dismissal or dismiss the accusatory instrument if:  
18 (a) the defendant has previously been granted such adjournment in  
19 contemplation of dismissal, or (b) the defendant has previously been  
20 granted a dismissal under this section, or (c) the defendant has previ-  
21 ously been convicted of any offense involving controlled substances, or  
22 (d) the defendant has previously been convicted of a crime and the  
23 district attorney does not consent or (e) the defendant has previously  
24 been adjudicated a youthful offender on the basis of any act or acts  
25 involving controlled substances and the district attorney does not  
26 consent.

1 § 20-f. Subparagraph (iii) of paragraph (k) of subdivision 3 of  
2 section 160.50 of the criminal procedure law, as amended by chapter 132  
3 of the laws of 2019, is amended to read as follows:

4 (iii) the conviction is for an offense defined in section 221.05 [or],  
5 221.10 or 221.15 of the penal law.

6 § 21. Section 221.35 of the penal law, as amended by chapter 265 of  
7 the laws of 1979, the opening paragraph as amended by chapter 75 of the  
8 laws of 1995, is amended to read as follows:

9 § 221.35 Criminal sale of [marihuana] cannabis in the fifth degree.

10 A person is guilty of criminal sale of [marihuana] cannabis in the  
11 fifth degree when he or she knowingly and unlawfully sells, [without]  
12 for consideration[, one or more preparations, compounds, mixtures or  
13 substances containing marihuana and the preparations, compounds,  
14 mixtures or substances are] cannabis or cannabis concentrate of [an  
15 aggregate weight of two grams or less; or one cigarette containing mari-  
16 huana] any weight.

17 Criminal sale of [marihuana] cannabis in the fifth degree is a [class  
18 B misdemeanor] violation punishable by a fine not more than the greater  
19 of two-hundred and fifty dollars or two times the value of the sale.

20 § 22. Section 221.40 of the penal law, as added by chapter 360 of the  
21 laws of 1977, is amended to read as follows:

22 § 221.40 Criminal sale of [marihuana] cannabis in the fourth degree.

23 A person is guilty of criminal sale of [marihuana] cannabis in the  
24 fourth degree when he or she knowingly and unlawfully sells [marihuana  
25 except as provided in section 221.35 of this article] cannabis of an  
26 aggregate weight of more than one ounce or more than five grams of  
27 cannabis concentrate.

1 Criminal sale of [marihuana] cannabis in the fourth degree is a [class  
2 A] misdemeanor punishable by a fine of not more than the greater of five  
3 hundred dollars or two times the value of the sale or a maximum of three  
4 months imprisonment, or both.

5 § 23. Section 221.45 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 § 221.45 Criminal sale of [marihuana] cannabis in the third degree.

9 A person is guilty of criminal sale of [marihuana] cannabis in the  
10 third degree when he or she knowingly and unlawfully sells [one or more  
11 preparations, compounds, mixtures or substances containing marihuana and  
12 the preparations, compounds, mixtures or substances are of an aggregate  
13 weight of more than twenty-five grams] or an aggregate weight of more  
14 than four ounces of cannabis or more than twenty grams of concentrated  
15 cannabis.

16 Criminal sale of [marihuana] cannabis in the third degree is a [class  
17 E felony] misdemeanor punishable by a fine of not more than the greater  
18 of one thousand dollars or two times the value of the sale or a maximum  
19 of one year imprisonment or both.

20 § 24. Section 221.50 of the penal law, as amended by chapter 265 of  
21 the laws of 1979, the opening paragraph as amended by chapter 75 of the  
22 laws of 1995, is amended to read as follows:

23 § 221.50 Criminal sale of [marihuana] cannabis in the second degree.

24 A person is guilty of criminal sale of [marihuana] cannabis in the  
25 second degree when he knowingly and unlawfully sells [one or more prepa-  
26 rations, compounds, mixtures or substances containing marihuana and the  
27 preparations, compounds, mixtures or substances are of] an aggregate  
28 weight of more than [four ounces, or knowingly and unlawfully sells one

1 or more preparations, compounds, mixtures or substances containing mari-  
2 huana to a person less than eighteen years of age] sixteen ounces of  
3 cannabis or more than eighty grams of concentrated cannabis or any  
4 amount of cannabis or concentrated cannabis to any person under twenty-  
5 one years of age. In any prosecution for unlawful sale of cannabis or  
6 concentrated cannabis to someone under twenty-one years of age pursuant  
7 to this section, it is an affirmative defense that: (a) the defendant  
8 had reasonable cause to believe that the person under twenty-one years  
9 of age involved was twenty-one years old or more; and (b) such person  
10 under twenty-one years of age exhibited to the defendant a draft card,  
11 driver's license or identification card, birth certificate or other  
12 official or apparently official document purporting to establish that  
13 such person was twenty-one years old or more.

14 Criminal sale of [marihuana] cannabis in the second degree is a class  
15 D felony.

16 § 25. Section 221.55 of the penal law, as amended by chapter 265 of  
17 the laws of 1979, the opening paragraph as amended by chapter 75 of the  
18 laws of 1995, is amended to read as follows:

19 § 221.55 Criminal sale of [marihuana] cannabis in the first degree.

20 A person is guilty of criminal sale of [marihuana] cannabis in the  
21 first degree when he knowingly and unlawfully sells [one or more prepa-  
22 rations, compounds, mixtures or substances containing marihuana and the  
23 preparations, compounds, mixtures or substances are of an aggregate  
24 weight of] more than [sixteen] sixty-four ounces of cannabis or three  
25 hundred and twenty grams of cannabis concentrate.

26 Criminal sale of [marihuana] cannabis in the first degree is a class C  
27 felony.



1 § 26. The penal law is amended by adding a new section 221.60 to read  
2 as follows:

3 § 221.60 Licensing of cannabis production and distribution.

4 The provisions of this article and of article two hundred twenty of  
5 this title shall not apply to any person exempted from criminal penal-  
6 ties pursuant to the provisions of this chapter or possessing, manufac-  
7 turing, transporting, distributing, selling or transferring cannabis or  
8 concentrated cannabis, or engaged in any other action that is in compli-  
9 ance with article three, four or five of the cannabis law.

10 § 27. Intentionally omitted.

11 § 28. Paragraph (f) of subdivision 2 of section 850 of the general  
12 business law is REPEALED.

13 § 29. Paragraph (h) of subdivision 2 of section 850 of the general  
14 business law, as amended by chapter 812 of the laws of 1980, is amended  
15 to read as follows:

16 (h) Objects, used or designed for the purpose of ingesting, inhaling,  
17 or otherwise introducing [marihuana,] cocaine, hashish, or hashish oil  
18 into the human body.

19 § 30. Section 114-a of the vehicle and traffic law, as added by chap-  
20 ter 163 of the laws of 1973, is amended to read as follows:

21 § 114-a. Drug. The term "drug" when used in this chapter, means and  
22 includes any substance listed in section thirty-three hundred six of the  
23 public health law and any substance or combination of substances that  
24 impair, to any extent, physical or mental abilities.

25 § 31. The article heading of article 20-B of the tax law, as added by  
26 chapter 90 of the laws of 2014, is amended to read as follows:

27 EXCISE TAX ON MEDICAL [MARIHUANA] CANNABIS

1 § 32. The paragraph heading and subparagraph (i) of paragraph (b) of  
2 subdivision 1 of section 1193 of the vehicle and traffic law, as amended  
3 by chapter 169 of the laws of 2013, are amended to read as follows:

4 Driving while intoxicated or while ability impaired by drugs or while  
5 ability impaired by the combined influence of drugs or of alcohol and  
6 any drug or drugs; aggravated driving while intoxicated; misdemeanor  
7 offenses. (i) A violation of subdivision two, three, or four [or four-a]  
8 of section eleven hundred ninety-two of this article shall be a misde-  
9 meanor and shall be punishable by a fine of not less than five hundred  
10 dollars nor more than one thousand dollars, or by imprisonment in a  
11 penitentiary or county jail for not more than one year, or by both such  
12 fine and imprisonment. A violation of paragraph (a) of subdivision two-a  
13 of section eleven hundred ninety-two of this article shall be a misde-  
14 meanor and shall be punishable by a fine of not less than one thousand  
15 dollars nor more than two thousand five hundred dollars or by imprison-  
16 ment in a penitentiary or county jail for not more than one year, or by  
17 both such fine and imprisonment.

18 § 33. Paragraph (c) of subdivision 1 of section 1193 of the vehicle  
19 and traffic law is amended by adding a new subparagraph (i-a) to read as  
20 follows:

21 (i-a) A violation of subdivision four-a of section eleven hundred  
22 ninety-two of this article shall be a class E felony, and shall be  
23 punishable by a fine of not less than one thousand dollars nor more than  
24 five thousand dollars or by a period of imprisonment as provided in the  
25 penal law, or by both such fine and imprisonment.

26 § 33-a. Subdivisions 1, 2 and 3 of section 1194 of the vehicle and  
27 traffic law, as added by chapter 47 of the laws of 1988, paragraph (a)  
28 of subdivision 2 as amended by chapter 196 of the laws of 1996, para-

1 graphs (b) and (c) of subdivision 2 as amended by chapter 489 of the  
2 laws of 2017, clause (A) of subparagraph 1, subparagraphs 2 and 3 of  
3 paragraph (b), subparagraphs 1, 2 and 3 of paragraph (c) of subdivision  
4 2 as amended by chapter 27 of the laws of 2018, subparagraphs 1 and 2 of  
5 paragraph (d) of subdivision 2 as amended by chapter 732 of the laws of  
6 2006, and item (iii) of clause c of subparagraph 1 of paragraph (d) of  
7 subdivision 2 as amended by section 37 of part LL of chapter 56 of the  
8 laws of 2010, are amended to read as follows:

9 1. Arrest and field testing. (a) Arrest. Notwithstanding the  
10 provisions of section 140.10 of the criminal procedure law, a police  
11 officer may, without a warrant, arrest a person, in case of a violation  
12 of subdivision one of section eleven hundred ninety-two of this article,  
13 if such violation is coupled with an accident or collision in which such  
14 person is involved, which in fact has been committed, though not in the  
15 police officer's presence, when the officer has reasonable cause to  
16 believe that the violation was committed by such person.

17 (b) Field testing. Every person operating a motor vehicle which has  
18 been involved in an accident or which is operated in violation of any of  
19 the provisions of this chapter shall, at the request of a police offi-  
20 cer, submit to a breath test and/or oral/bodily fluid test to be admin-  
21 istered by the police officer. If such test indicates that such opera-  
22 tor has consumed alcohol or drug or drugs, the police officer may  
23 request such operator to submit to a chemical test and/or an evaluation  
24 conducted by a drug recognition expert in the manner set forth in subdi-  
25 vision two of this section.

26 2. Chemical tests and drug recognition evaluations. (a) When author-  
27 ized. Any person who operates a motor vehicle in this state shall be  
28 deemed to have given consent to an evaluation conducted by a certified

1 drug recognition expert and/or a chemical test of one or more of the  
2 following: breath, blood, urine, or saliva, for the purpose of determin-  
3 ing the alcoholic and/or drug content of the blood provided that such  
4 test is administered by or at the direction of a police officer with  
5 respect to a chemical test of breath, urine or saliva or, with respect  
6 to a chemical test of blood, at the direction of a police officer:

7 (1) having reasonable grounds to believe such person to have been  
8 operating in violation of any subdivision of section eleven hundred  
9 ninety-two of this article and within two hours after such person has  
10 been placed under arrest for any such violation; or having reasonable  
11 grounds to believe such person to have been operating in violation of  
12 section eleven hundred ninety-two-a of this article and within two hours  
13 after the stop of such person for any such violation,

14 (2) within two hours after a breath test, as provided in paragraph (b)  
15 of subdivision one of this section, indicates that alcohol has been  
16 consumed by such person and in accordance with the rules and regulations  
17 established by the police force of which the officer is a member;

18 (3) for the purposes of this paragraph, "reasonable grounds" to  
19 believe that a person has been operating a motor vehicle after having  
20 consumed alcohol in violation of section eleven hundred ninety-two-a of  
21 this article shall be determined by viewing the totality of circum-  
22 stances surrounding the incident which, when taken together, indicate  
23 that the operator was driving in violation of such subdivision. Such  
24 circumstances may include any visible or behavioral indication of alco-  
25 hol consumption by the operator, the existence of an open container  
26 containing or having contained an alcoholic beverage in or around the  
27 vehicle driven by the operator, or any other evidence surrounding the  
28 circumstances of the incident which indicates that the operator has been

1 operating a motor vehicle after having consumed alcohol at the time of  
2 the incident; or

3 (4) notwithstanding any other provision of law to the contrary, no  
4 person under the age of twenty-one shall be arrested for an alleged  
5 violation of section eleven hundred ninety-two-a of this article.  
6 However, a person under the age of twenty-one for whom a chemical test  
7 and/or an evaluation conducted by a certified drug recognition expert is  
8 authorized pursuant to this paragraph may be temporarily detained by the  
9 police solely for the purpose of requesting or administering such chemi-  
10 cal test and/or an evaluation conducted by a certified drug recognition  
11 expert whenever arrest without a warrant for a petty offense would be  
12 authorized in accordance with the provisions of section 140.10 of the  
13 criminal procedure law or paragraph (a) of subdivision one of this  
14 section.

15 (b) Report of refusal. (1) If: (A) such person having been placed  
16 under arrest; or (B) after a breath, blood, urine, and/or oral/bodily  
17 fluid test indicates the presence of alcohol and/or drug or drugs in the  
18 person's system; or (C) with regard to a person under the age of twen-  
19 ty-one, there are reasonable grounds to believe that such person has  
20 been operating a motor vehicle after having consumed alcohol in  
21 violation of section eleven hundred ninety-two-a of this article; and  
22 having thereafter been requested to submit to such chemical test and/or  
23 an evaluation or any portion thereof conducted by a certified drug  
24 recognition expert and having been informed that the person's license or  
25 permit to drive and any non-resident operating privilege shall be imme-  
26 diately suspended and subsequently revoked, or, for operators under the  
27 age of twenty-one for whom there are reasonable grounds to believe that  
28 such operator has been operating a motor vehicle after having consumed

1 alcohol in violation of section eleven hundred ninety-two-a of this  
2 article, shall be revoked for refusal to submit to such chemical test or  
3 any portion thereof, and/or an evaluation conducted by a certified drug  
4 recognition expert or any portion thereof, whether or not the person is  
5 found guilty of the charge for which such person is arrested or  
6 detained, refuses to submit to such chemical test or any portion there-  
7 of, and/or an evaluation or any portion thereof conducted by a certified  
8 drug recognition expert or any portion thereof, unless a court order has  
9 been granted pursuant to subdivision three of this section, the test  
10 shall not be given and a written report of such refusal shall be imme-  
11 diately made by the police officer before whom such refusal was made.  
12 Such report may be verified by having the report sworn to, or by affix-  
13 ing to such report a form notice that false statements made therein are  
14 punishable as a class A misdemeanor pursuant to section 210.45 of the  
15 penal law and such form notice together with the subscription of the  
16 deponent shall constitute a verification of the report.

17 (2) The report of the police officer shall set forth reasonable  
18 grounds to believe such arrested person or such detained person under  
19 the age of twenty-one had been driving in violation of any subdivision  
20 of section eleven hundred ninety-two or eleven hundred ninety-two-a of  
21 this article, that said person had refused to submit to such chemical  
22 test, or an evaluation or any portion thereof conducted by a certified  
23 drug recognition expert or any portion thereof, and that no chemical  
24 test or evaluation conducted by a certified drug recognition expert was  
25 administered pursuant to the requirements of subdivision three of this  
26 section. The report shall be presented to the court upon arraignment of  
27 an arrested person, provided, however, in the case of a person under the  
28 age of twenty-one, for whom a test was authorized pursuant to the

1 provisions of subparagraph two or three of paragraph (a) of this subdi-  
2 vision, and who has not been placed under arrest for a violation of any  
3 of the provisions of section eleven hundred ninety-two of this article,  
4 such report shall be forwarded to the commissioner within forty-eight  
5 hours in a manner to be prescribed by the commissioner, and all subse-  
6 quent proceedings with regard to refusal to submit to such chemical test  
7 and/or an evaluation conducted by a certified drug recognition expert by  
8 such person shall be as set forth in subdivision three of section eleven  
9 hundred ninety-four-a of this article.

10 (3) For persons placed under arrest for a violation of any subdivision  
11 of section eleven hundred ninety-two of this article, the license or  
12 permit to drive and any non-resident operating privilege shall, upon the  
13 basis of such written report, be temporarily suspended by the court  
14 without notice pending the determination of a hearing as provided in  
15 paragraph (c) of this subdivision. Copies of such report must be trans-  
16 mitted by the court to the commissioner and such transmittal may not be  
17 waived even with the consent of all the parties. Such report shall be  
18 forwarded to the commissioner within forty-eight hours of such arraign-  
19 ment.

20 (4) The court or the police officer, in the case of a person under the  
21 age of twenty-one alleged to be driving after having consumed alcohol,  
22 shall provide such person with a scheduled hearing date, a waiver form,  
23 and such other information as may be required by the commissioner. If a  
24 hearing, as provided for in paragraph (c) of this subdivision, or subdi-  
25 vision three of section eleven hundred ninety-four-a of this article, is  
26 waived by such person, the commissioner shall immediately revoke the  
27 license, permit, or non-resident operating privilege, as of the date of

1 receipt of such waiver in accordance with the provisions of paragraph  
2 (d) of this subdivision.

3 (c) Hearings. Any person whose license or permit to drive or any non-  
4 resident driving privilege has been suspended pursuant to paragraph (b)  
5 of this subdivision is entitled to a hearing in accordance with a hear-  
6 ing schedule to be promulgated by the commissioner. If the department  
7 fails to provide for such hearing fifteen days after the date of the  
8 arraignment of the arrested person, the license, permit to drive or  
9 non-resident operating privilege of such person shall be reinstated  
10 pending a hearing pursuant to this section. The hearing shall be limited  
11 to the following issues: (1) did the police officer have reasonable  
12 grounds to believe that such person had been driving in violation of any  
13 subdivision of section eleven hundred ninety-two of this article; (2)  
14 did the police officer make a lawful arrest of such person; (3) was such  
15 person given sufficient warning, in clear or unequivocal language, prior  
16 to such refusal that such refusal to submit to such chemical test or any  
17 portion thereof and/or an evaluation or any portion thereof conducted by  
18 a certified drug recognition expert, would result in the immediate  
19 suspension and subsequent revocation of such person's license or operat-  
20 ing privilege whether or not such person is found guilty of the charge  
21 for which the arrest was made; and (4) did such person refuse to submit  
22 to such chemical test or any portion thereof and/or an evaluation or any  
23 portion thereof conducted by a certified drug recognition expert. If,  
24 after such hearing, the hearing officer, acting on behalf of the commis-  
25 sioner, finds on any one of said issues in the negative, the hearing  
26 officer shall immediately terminate any suspension arising from such  
27 refusal. If, after such hearing, the hearing officer, acting on behalf  
28 of the commissioner finds all of the issues in the affirmative, such



1 officer shall immediately revoke the license or permit to drive or any  
2 non-resident operating privilege in accordance with the provisions of  
3 paragraph (d) of this subdivision. A person who has had a license or  
4 permit to drive or non-resident operating privilege suspended or revoked  
5 pursuant to this subdivision may appeal the findings of the hearing  
6 officer in accordance with the provisions of article three-A of this  
7 chapter. Any person may waive the right to a hearing under this section.  
8 Failure by such person to appear for the scheduled hearing shall consti-  
9 tute a waiver of such hearing, provided, however, that such person may  
10 petition the commissioner for a new hearing which shall be held as soon  
11 as practicable.

12 (d) Sanctions. (1) Revocations. a. Any license which has been revoked  
13 pursuant to paragraph (c) of this subdivision shall not be restored for  
14 at least one year after such revocation, nor thereafter, except in the  
15 discretion of the commissioner. However, no such license shall be  
16 restored for at least eighteen months after such revocation, nor there-  
17 after except in the discretion of the commissioner, in any case where  
18 the person has had a prior revocation resulting from refusal to submit  
19 to a chemical test and/or an evaluation or any portion thereof conducted  
20 by a certified drug recognition expert, or has been convicted of or  
21 found to be in violation of any subdivision of section eleven hundred  
22 ninety-two or section eleven hundred ninety-two-a of this article not  
23 arising out of the same incident, within the five years immediately  
24 preceding the date of such revocation; provided, however, a prior find-  
25 ing that a person under the age of twenty-one has refused to submit to a  
26 chemical test pursuant to subdivision three of section eleven hundred  
27 ninety-four-a of this article shall have the same effect as a prior  
28 finding of a refusal pursuant to this subdivision solely for the purpose

1 of determining the length of any license suspension or revocation  
2 required to be imposed under any provision of this article, provided  
3 that the subsequent offense or refusal is committed or occurred prior to  
4 the expiration of the retention period for such prior refusal as set  
5 forth in paragraph (k) of subdivision one of section two hundred one of  
6 this chapter.

7 b. Any license which has been revoked pursuant to paragraph (c) of  
8 this subdivision or pursuant to subdivision three of section eleven  
9 hundred ninety-four-a of this article, where the holder was under the  
10 age of twenty-one years at the time of such refusal, shall not be  
11 restored for at least one year, nor thereafter, except in the discretion  
12 of the commissioner. Where such person under the age of twenty-one years  
13 has a prior finding, conviction or youthful offender adjudication  
14 resulting from a violation of section eleven hundred ninety-two or  
15 section eleven hundred ninety-two-a of this article, not arising from  
16 the same incident, such license shall not be restored for at least one  
17 year or until such person reaches the age of twenty-one years, whichever  
18 is the greater period of time, nor thereafter, except in the discretion  
19 of the commissioner.

20 c. Any commercial driver's license which has been revoked pursuant to  
21 paragraph (c) of this subdivision based upon a finding of refusal to  
22 submit to a chemical test and/or an evaluation or any portion thereof  
23 conducted by a certified drug recognition expert, where such finding  
24 occurs within or outside of this state, shall not be restored for at  
25 least eighteen months after such revocation, nor thereafter, except in  
26 the discretion of the commissioner, but shall not be restored for at  
27 least three years after such revocation, nor thereafter, except in the  
28 discretion of the commissioner, if the holder of such license was oper-

1 ating a commercial motor vehicle transporting hazardous materials at the  
2 time of such refusal. However, such person shall be permanently disqual-  
3 ified from operating a commercial motor vehicle in any case where the  
4 holder has a prior finding of refusal to submit to a chemical test  
5 and/or an evaluation or any portion thereof conducted by a certified  
6 drug recognition expert pursuant to this section or has a prior  
7 conviction of any of the following offenses: any violation of section  
8 eleven hundred ninety-two of this article; any violation of subdivision  
9 one or two of section six hundred of this chapter; or has a prior  
10 conviction of any felony involving the use of a motor vehicle pursuant  
11 to paragraph (a) of subdivision one of section five hundred ten-a of  
12 this chapter. Provided that the commissioner may waive such permanent  
13 revocation after a period of ten years has expired from such revocation  
14 provided:

15 (i) that during such ten year period such person has not been found to  
16 have refused a chemical test or an evaluation or any portion thereof  
17 conducted by a certified drug recognition expert pursuant to this  
18 section and has not been convicted of any one of the following offenses:  
19 any violation of section eleven hundred ninety-two of this article;  
20 refusal to submit to a chemical test or an evaluation or any portion  
21 thereof conducted by a certified drug recognition expert pursuant to  
22 this section; any violation of subdivision one or two of section six  
23 hundred of this chapter; or has a prior conviction of any felony involv-  
24 ing the use of a motor vehicle pursuant to paragraph (a) of subdivision  
25 one of section five hundred ten-a of this chapter;

26 (ii) that such person provides acceptable documentation to the commis-  
27 sioner that such person is not in need of alcohol or drug treatment or  
28 has satisfactorily completed a prescribed course of such treatment; and

1 (iii) after such documentation is accepted, that such person is grant-  
2 ed a certificate of relief from disabilities or a certificate of good  
3 conduct pursuant to article twenty-three of the correction law by the  
4 court in which such person was last penalized.

5 d. Upon a third finding of refusal and/or conviction of any of the  
6 offenses which require a permanent commercial driver's license revoca-  
7 tion, such permanent revocation may not be waived by the commissioner  
8 under any circumstances.

9 (2) Civil penalties. Except as otherwise provided, any person whose  
10 license, permit to drive, or any non-resident operating privilege is  
11 revoked pursuant to the provisions of this section shall also be liable  
12 for a civil penalty in the amount of five hundred dollars except that if  
13 such revocation is a second or subsequent revocation pursuant to this  
14 section issued within a five year period, or such person has been  
15 convicted of a violation of any subdivision of section eleven hundred  
16 ninety-two of this article within the past five years not arising out of  
17 the same incident, the civil penalty shall be in the amount of seven  
18 hundred fifty dollars. Any person whose license is revoked pursuant to  
19 the provisions of this section based upon a finding of refusal to submit  
20 to a chemical test while operating a commercial motor vehicle shall also  
21 be liable for a civil penalty of five hundred fifty dollars except that  
22 if such person has previously been found to have refused a chemical test  
23 and/or an evaluation conducted by a certified drug recognition expert or  
24 any portion thereof pursuant to this section while operating a commer-  
25 cial motor vehicle or has a prior conviction of any of the following  
26 offenses while operating a commercial motor vehicle: any violation of  
27 section eleven hundred ninety-two of this article; any violation of  
28 subdivision two of section six hundred of this chapter; or has a prior

1 conviction of any felony involving the use of a commercial motor vehicle  
2 pursuant to paragraph (a) of subdivision one of section five hundred  
3 ten-a of this chapter, then the civil penalty shall be seven hundred  
4 fifty dollars. No new driver's license or permit shall be issued, or  
5 non-resident operating privilege restored to such person unless such  
6 penalty has been paid. All penalties collected by the department pursu-  
7 ant to the provisions of this section shall be the property of the state  
8 and shall be paid into the general fund of the state treasury.

9 (3) Effect of rehabilitation program. No period of revocation arising  
10 out of this section may be set aside by the commissioner for the reason  
11 that such person was a participant in the alcohol and drug rehabili-  
12 tation program set forth in section eleven hundred ninety-six of this  
13 article.

14 (e) Regulations. The commissioner shall promulgate such rules and  
15 regulations as may be necessary to effectuate the provisions of subdivi-  
16 sions one and two of this section.

17 (f) Evidence. Evidence of a refusal to submit to such chemical test or  
18 any portion thereof or an evaluation conducted by a drug recognition  
19 expert shall be admissible in any trial, proceeding or hearing based  
20 upon a violation of the provisions of section eleven hundred ninety-two  
21 of this article but only upon a showing that the person was given suffi-  
22 cient warning, in clear and unequivocal language, of the effect of such  
23 refusal and that the person persisted in the refusal.

24 (g) Results. Upon the request of the person who was tested, the  
25 results of such test shall be made available to such person.

26 3. Compulsory chemical tests. (a) Court ordered chemical tests.  
27 Notwithstanding the provisions of subdivision two of this section, no  
28 person who operates a motor vehicle in this state may refuse to submit

1 to a chemical test of one or more of the following: breath, blood, urine  
2 or [saliva] oral/bodily fluids, for the purpose of determining the alco-  
3 holic and/or drug content of the blood or oral/bodily fluids when a  
4 court order for such chemical test has been issued in accordance with  
5 the provisions of this subdivision.

6 (b) When authorized. Upon refusal by any person to submit to a chemi-  
7 cal test or any portion thereof as described above, the test shall not  
8 be given unless a police officer or a district attorney, as defined in  
9 subdivision thirty-two of section 1.20 of the criminal procedure law,  
10 requests and obtains a court order to compel a person to submit to a  
11 chemical test to determine the alcoholic and/or drug content of the  
12 person's blood or oral/bodily fluids upon a finding of reasonable cause  
13 to believe that:

14 (1) such person was the operator of a motor vehicle [and in the course  
15 of such operation a person other than the operator was killed or  
16 suffered serious physical injury as defined in section 10.00 of the  
17 penal law]; and

18 (2) a. either such person operated the vehicle in violation of any  
19 subdivision of section eleven hundred ninety-two of this article, or b.  
20 a breath test and/or oral/bodily fluid test administered by a police  
21 officer in accordance with paragraph (b) of subdivision one of this  
22 section indicates that alcohol and/or drug or drugs has been consumed by  
23 such person; and

24 (3) such person has been placed under lawful arrest; and

25 (4) such person has refused to submit to a chemical test and/or an  
26 evaluation conducted by a certified drug recognition expert, or any  
27 portion thereof, requested in accordance with the provisions of para-

1 graph (a) of subdivision two of this section or is unable to give  
2 consent to such a test.

3 (c) Reasonable cause; definition. For the purpose of this subdivision  
4 "reasonable cause" shall be determined by viewing the totality of  
5 circumstances surrounding the incident which, when taken together, indi-  
6 cate that the operator was driving in violation of section eleven  
7 hundred ninety-two of this article. Such circumstances may include, but  
8 are not limited to: evidence that the operator was operating a motor  
9 vehicle in violation of any provision of this article or any other  
10 moving violation at the time of the incident; any visible indication of  
11 alcohol or drug consumption or impairment by the operator; the existence  
12 of an open container containing an alcoholic beverage and/or drug or  
13 drugs in or around the vehicle driven by the operator; the odor of  
14 cannabis or burnt cannabis; any other evidence surrounding the circum-  
15 stances of the incident which indicates that the operator has been oper-  
16 ating a motor vehicle while impaired by the consumption of alcohol or  
17 drugs or intoxicated at the time of the incident.

18 (d) Court order; procedure. (1) An application for a court order to  
19 compel submission to a chemical test or any portion thereof, may be made  
20 to any supreme court justice, county court judge or district court judge  
21 in the judicial district in which the incident occurred, or if the inci-  
22 dent occurred in the city of New York before any supreme court justice  
23 or judge of the criminal court of the city of New York. Such application  
24 may be communicated by telephone, radio or other means of electronic  
25 communication, or in person.

26 (2) The applicant must provide identification by name and title and  
27 must state the purpose of the communication. Upon being advised that an  
28 application for a court order to compel submission to a chemical test is

1 being made, the court shall place under oath the applicant and any other  
2 person providing information in support of the application as provided  
3 in subparagraph three of this paragraph. After being sworn the applicant  
4 must state that the person from whom the chemical test was requested was  
5 the operator of a motor vehicle and [in the course of such operation a  
6 person, other than the operator, has been killed or seriously injured  
7 and], based upon the totality of circumstances, there is reasonable  
8 cause to believe that such person was operating a motor vehicle in  
9 violation of any subdivision of section eleven hundred ninety-two of  
10 this article and, after being placed under lawful arrest such person  
11 refused to submit to a chemical test or any portion thereof, in accord-  
12 ance with the provisions of this section or is unable to give consent to  
13 such a test or any portion thereof. The applicant must make specific  
14 allegations of fact to support such statement. Any other person properly  
15 identified, may present sworn allegations of fact in support of the  
16 applicant's statement.

17 (3) Upon being advised that an oral application for a court order to  
18 compel a person to submit to a chemical test is being made, a judge or  
19 justice shall place under oath the applicant and any other person  
20 providing information in support of the application. Such oath or oaths  
21 and all of the remaining communication must be recorded, either by means  
22 of a voice recording device or verbatim stenographic or verbatim long-  
23 hand notes. If a voice recording device is used or a stenographic record  
24 made, the judge must have the record transcribed, certify to the accura-  
25 cy of the transcription and file the original record and transcription  
26 with the court within seventy-two hours of the issuance of the court  
27 order. If the longhand notes are taken, the judge shall subscribe a copy



1 and file it with the court within twenty-four hours of the issuance of  
2 the order.

3 (4) If the court is satisfied that the requirements for the issuance  
4 of a court order pursuant to the provisions of paragraph (b) of this  
5 subdivision have been met, it may grant the application and issue an  
6 order requiring the accused to submit to a chemical test to determine  
7 the alcoholic and/or drug content of his blood and/or oral/bodily fluids  
8 ordering the withdrawal of a blood and/or oral/bodily fluid sample in  
9 accordance with the provisions of paragraph (a) of subdivision four of  
10 this section. When a judge or justice determines to issue an order to  
11 compel submission to a chemical test based on an oral application, the  
12 applicant therefor shall prepare the order in accordance with the  
13 instructions of the judge or justice. In all cases the order shall  
14 include the name of the issuing judge or justice, the name of the appli-  
15 cant, and the date and time it was issued. It must be signed by the  
16 judge or justice if issued in person, or by the applicant if issued  
17 orally.

18 (5) Any false statement by an applicant or any other person in support  
19 of an application for a court order shall subject such person to the  
20 offenses for perjury set forth in article two hundred ten of the penal  
21 law.

22 (6) The chief administrator of the courts shall establish a schedule  
23 to provide that a sufficient number of judges or justices will be avail-  
24 able in each judicial district to hear oral applications for court  
25 orders as permitted by this section.

26 (e) Administration of compulsory chemical test. An order issued pursu-  
27 ant to the provisions of this subdivision shall require that a chemical  
28 test to determine the alcoholic and/or drug content of the operator's

1 blood and/or oral/bodily fluid must be administered. The provisions of  
2 paragraphs (a), (b) and (c) of subdivision four of this section shall be  
3 applicable to any chemical test administered pursuant to this section.

4 § 33-b. Subdivision 1 of section 1227 of the vehicle and traffic law,  
5 as amended by section 3 of part F of chapter 60 of the laws of 2005, is  
6 amended to read as follows:

7 1. The drinking of alcoholic beverages or consumption of cannabis, or  
8 the possession of an open container containing an alcoholic beverage or  
9 cannabis, in a motor vehicle located upon the public highways or right-  
10 of-way public highway is prohibited. Any operator or passenger violating  
11 this section shall be guilty of a traffic infraction.

12 The provisions of this section shall not be deemed to prohibit the  
13 drinking of alcoholic beverages, the consumption of cannabis by means  
14 other than burning, or the possession of an open container containing an  
15 alcoholic beverage or cannabis by passengers in passenger vehicles oper-  
16 ated pursuant to a certificate or permit issued by the department of  
17 transportation or the United States department of transportation.  
18 Furthermore, the provisions of this section shall not be deemed to  
19 prohibit the possession of wine which is: (a) resealed in accordance  
20 with the provisions of subdivision four of section eighty-one of the  
21 alcoholic beverage control law; and (b) is transported in the vehicle's  
22 trunk or is transported behind the last upright seat or in an area not  
23 normally occupied by the driver or passenger in a motor vehicle that is  
24 not equipped with a trunk.

25 § 34. Subdivision 1 of section 171-a of the tax law, as amended by  
26 section 3 of part XX of chapter 59 of the laws of 2019, is amended to  
27 read as follows:

1 1. All taxes, interest, penalties and fees collected or received by  
2 the commissioner or the commissioner's duly authorized agent under arti-  
3 cles nine (except section one hundred eighty-two-a thereof and except as  
4 otherwise provided in section two hundred five thereof), nine-A,  
5 twelve-A (except as otherwise provided in section two hundred eighty-  
6 four-d thereof), thirteen, thirteen-A (except as otherwise provided in  
7 section three hundred twelve thereof), eighteen, nineteen, twenty  
8 (except as otherwise provided in section four hundred eighty-two there-  
9 of), twenty-B, twenty-C, twenty-D, twenty-one, twenty-two, twenty-four,  
10 twenty-six, twenty-eight (except as otherwise provided in section eleven  
11 hundred two or eleven hundred three thereof), twenty-eight-A, twenty-  
12 nine-B, thirty-one (except as otherwise provided in section fourteen  
13 hundred twenty-one thereof), thirty-three and thirty-three-A of this  
14 chapter shall be deposited daily in one account with such responsible  
15 banks, banking houses or trust companies as may be designated by the  
16 comptroller, to the credit of the comptroller. Such an account may be  
17 established in one or more of such depositories. Such deposits shall be  
18 kept separate and apart from all other money in the possession of the  
19 comptroller. The comptroller shall require adequate security from all  
20 such depositories. Of the total revenue collected or received under such  
21 articles of this chapter, the comptroller shall retain in the comp-  
22 troller's hands such amount as the commissioner may determine to be  
23 necessary for refunds or reimbursements under such articles of this  
24 chapter out of which amount the comptroller shall pay any refunds or  
25 reimbursements to which taxpayers shall be entitled under the provisions  
26 of such articles of this chapter. The commissioner and the comptroller  
27 shall maintain a system of accounts showing the amount of revenue  
28 collected or received from each of the taxes imposed by such articles.

1 The comptroller, after reserving the amount to pay such refunds or  
2 reimbursements, shall, on or before the tenth day of each month, pay  
3 into the state treasury to the credit of the general fund all revenue  
4 deposited under this section during the preceding calendar month and  
5 remaining to the comptroller's credit on the last day of such preceding  
6 month, (i) except that the comptroller shall pay to the state department  
7 of social services that amount of overpayments of tax imposed by article  
8 twenty-two of this chapter and the interest on such amount which is  
9 certified to the comptroller by the commissioner as the amount to be  
10 credited against past-due support pursuant to subdivision six of section  
11 one hundred seventy-one-c of this article, (ii) and except that the  
12 comptroller shall pay to the New York state higher education services  
13 corporation and the state university of New York or the city university  
14 of New York respectively that amount of overpayments of tax imposed by  
15 article twenty-two of this chapter and the interest on such amount which  
16 is certified to the comptroller by the commissioner as the amount to be  
17 credited against the amount of defaults in repayment of guaranteed  
18 student loans and state university loans or city university loans pursu-  
19 ant to subdivision five of section one hundred seventy-one-d and subdivi-  
20 sion six of section one hundred seventy-one-e of this article, (iii)  
21 and except further that, notwithstanding any law, the comptroller shall  
22 credit to the revenue arrearage account, pursuant to section  
23 ninety-one-a of the state finance law, that amount of overpayment of tax  
24 imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B  
25 or thirty-three of this chapter, and any interest thereon, which is  
26 certified to the comptroller by the commissioner as the amount to be  
27 credited against a past-due legally enforceable debt owed to a state  
28 agency pursuant to paragraph (a) of subdivision six of section one

1 hundred seventy-one-f of this article, provided, however, he shall cred-  
2 it to the special offset fiduciary account, pursuant to section ninety-  
3 one-c of the state finance law, any such amount creditable as a liabil-  
4 ity as set forth in paragraph (b) of subdivision six of section one  
5 hundred seventy-one-f of this article, (iv) and except further that the  
6 comptroller shall pay to the city of New York that amount of overpayment  
7 of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A,  
8 thirty-B or thirty-three of this chapter and any interest thereon that  
9 is certified to the comptroller by the commissioner as the amount to be  
10 credited against city of New York tax warrant judgment debt pursuant to  
11 section one hundred seventy-one-l of this article, (v) and except  
12 further that the comptroller shall pay to a non-obligated spouse that  
13 amount of overpayment of tax imposed by article twenty-two of this chap-  
14 ter and the interest on such amount which has been credited pursuant to  
15 section one hundred seventy-one-c, one hundred seventy-one-d, one  
16 hundred seventy-one-e, one hundred seventy-one-f or one hundred seven-  
17 ty-one-l of this article and which is certified to the comptroller by  
18 the commissioner as the amount due such non-obligated spouse pursuant to  
19 paragraph six of subsection (b) of section six hundred fifty-one of this  
20 chapter; and (vi) the comptroller shall deduct a like amount which the  
21 comptroller shall pay into the treasury to the credit of the general  
22 fund from amounts subsequently payable to the department of social  
23 services, the state university of New York, the city university of New  
24 York, or the higher education services corporation, or the revenue  
25 arrearage account or special offset fiduciary account pursuant to  
26 section ninety-one-a or ninety-one-c of the state finance law, as the  
27 case may be, whichever had been credited the amount originally withheld  
28 from such overpayment, and (vii) with respect to amounts originally

1 withheld from such overpayment pursuant to section one hundred seventy-  
2 one-1 of this article and paid to the city of New York, the comptroller  
3 shall collect a like amount from the city of New York.

4 § 35. Section 490 of the tax law, as added by chapter 90 of the laws  
5 of 2014, is amended to read as follows:

6 § 490. [Definitions] Excise tax on medical cannabis. 1. (a) [All  
7 definitions of terms applicable to title five-A of article thirty-three  
8 of the public health law shall apply to this article.] For purposes of  
9 this article, the terms "medical cannabis," "registered organization,"  
10 "certified patient," and "designated caregiver" shall have the same  
11 definitions as in section three of the cannabis law.

12 (b) As used in this section, where not otherwise specifically defined  
13 and unless a different meaning is clearly required "gross receipt" means  
14 the amount received in or by reason of any sale, conditional or other-  
15 wise, of medical [marihuana] cannabis or in or by reason of the furnish-  
16 ing of medical [marihuana] cannabis from the sale of medical [marihuana]  
17 cannabis provided by a registered organization to a certified patient or  
18 designated caregiver. Gross receipt is expressed in money, whether paid  
19 in cash, credit or property of any kind or nature, and shall be deter-  
20 mined without any deduction therefrom on account of the cost of the  
21 service sold or the cost of materials, labor or services used or other  
22 costs, interest or discount paid, or any other expenses whatsoever.  
23 "Amount received" for the purpose of the definition of gross receipt, as  
24 the term gross receipt is used throughout this article, means the amount  
25 charged for the provision of medical [marihuana] cannabis.

26 2. There is hereby imposed an excise tax on the gross receipts from  
27 the sale of medical [marihuana] cannabis by a registered organization to  
28 a certified patient or designated caregiver, to be paid by the regis-

1 tered organization, at the rate of seven percent. The tax imposed by  
2 this article shall be charged against and be paid by the registered  
3 organization and shall not be added as a separate charge or line item on  
4 any sales slip, invoice, receipt or other statement or memorandum of the  
5 price given to the retail customer.

6 3. The commissioner may make, adopt and amend rules, regulations,  
7 procedures and forms necessary for the proper administration of this  
8 article.

9 4. Every registered organization that makes sales of medical [marihua-  
10 na] cannabis subject to the tax imposed by this article shall, on or  
11 before the twentieth date of each month, file with the commissioner a  
12 return on forms to be prescribed by the commissioner, showing its  
13 receipts from the retail sale of medical [marihuana] cannabis during the  
14 preceding calendar month and the amount of tax due thereon. Such returns  
15 shall contain such further information as the commissioner may require.  
16 Every registered organization required to file a return under this  
17 section shall, at the time of filing such return, pay to the commission-  
18 er the total amount of tax due on its retail sales of medical [marihua-  
19 na] cannabis for the period covered by such return. If a return is not  
20 filed when due, the tax shall be due on the day on which the return is  
21 required to be filed.

22 5. Whenever the commissioner shall determine that any moneys received  
23 under the provisions of this article were paid in error, he may cause  
24 the same to be refunded, with interest, in accordance with such rules  
25 and regulations as he may prescribe, except that no interest shall be  
26 allowed or paid if the amount thereof would be less than one dollar.  
27 Such interest shall be at the overpayment rate set by the commissioner  
28 pursuant to subdivision twenty-sixth of section one hundred seventy-one

1 of this chapter, or if no rate is set, at the rate of six percent per  
2 annum, from the date when the tax, penalty or interest to be refunded  
3 was paid to a date preceding the date of the refund check by not more  
4 than thirty days. Provided, however, that for the purposes of this  
5 subdivision, any tax paid before the last day prescribed for its payment  
6 shall be deemed to have been paid on such last day. Such moneys received  
7 under the provisions of this article which the commissioner shall deter-  
8 mine were paid in error, may be refunded out of funds in the custody of  
9 the comptroller to the credit of such taxes provided an application  
10 therefor is filed with the commissioner within two years from the time  
11 the erroneous payment was made.

12 6. The provisions of article twenty-seven of this chapter shall apply  
13 to the tax imposed by this article in the same manner and with the same  
14 force and effect as if the language of such article had been incorpo-  
15 rated in full into this section and had expressly referred to the tax  
16 imposed by this article, except to the extent that any provision of such  
17 article is either inconsistent with a provision of this article or is  
18 not relevant to this article.

19 7. All taxes, interest and penalties collected or received by the  
20 commissioner under this article shall be deposited and disposed of  
21 pursuant to the provisions of section one hundred seventy-one-a of this  
22 chapter, provided that an amount equal to one hundred percent collected  
23 under this article less any amount determined by the commissioner to be  
24 reserved by the comptroller for refunds or reimbursements shall be paid  
25 by the comptroller to the credit of the medical [marihuana] cannabis  
26 trust fund established by section eighty-nine-h of the state finance  
27 law.



1 8. A registered organization that dispenses medical [marihuana] canna-  
2 bis shall provide to the department information on where the medical  
3 [marihuana] cannabis was dispensed and where the medical [marihuana]  
4 cannabis was manufactured. A registered organization that obtains [mari-  
5 huana] cannabis from another registered organization shall obtain from  
6 such registered organization information on where the medical [marihua-  
7 na] cannabis was manufactured.

8 § 36. Section 491 of the tax law, as added by chapter 90 of the laws  
9 of 2014, subdivision 1 as amended by section 1 of part II of chapter 60  
10 of the laws of 2016, is amended to read as follows:

11 § 491. Returns to be secret. 1. Except in accordance with proper judi-  
12 cial order or as in this section or otherwise provided by law, it shall  
13 be unlawful for the commissioner, any officer or employee of the depart-  
14 ment, or any officer or person who, pursuant to this section, is permit-  
15 ted to inspect any return or report or to whom a copy, an abstract or a  
16 portion of any return or report is furnished, or to whom any information  
17 contained in any return or report is furnished, or any person engaged or  
18 retained by such department on an independent contract basis or any  
19 person who in any manner may acquire knowledge of the contents of a  
20 return or report filed pursuant to this article to divulge or make known  
21 in any manner the contents or any other information relating to the  
22 business of a distributor, owner or other person contained in any return  
23 or report required under this article. The officers charged with the  
24 custody of such returns or reports shall not be required to produce any  
25 of them or evidence of anything contained in them in any action or  
26 proceeding in any court, except on behalf of the state, [the state  
27 department of health] office of cannabis management, or the commissioner  
28 in an action or proceeding under the provisions of this chapter or on

1 behalf of the state or the commissioner in any other action or proceed-  
2 ing involving the collection of a tax due under this chapter to which  
3 the state or the commissioner is a party or a claimant or on behalf of  
4 any party to any action or proceeding under the provisions of this arti-  
5 cle, when the returns or the reports or the facts shown thereby are  
6 directly involved in such action or proceeding, or in an action or  
7 proceeding relating to the regulation or taxation of medical [marihuana]  
8 cannabis on behalf of officers to whom information shall have been  
9 supplied as provided in subdivision two of this section, in any of which  
10 events the court may require the production of, and may admit in  
11 evidence so much of said returns or reports or of the facts shown there-  
12 by as are pertinent to the action or proceeding and no more. Nothing  
13 herein shall be construed to prohibit the commissioner, in his or her  
14 discretion, from allowing the inspection or delivery of a certified copy  
15 of any return or report filed under this article or of any information  
16 contained in any such return or report by or to a duly authorized offi-  
17 cer or employee of the [state department of health] office of cannabis  
18 management; or by or to the attorney general or other legal represen-  
19 tatives of the state when an action shall have been recommended or  
20 commenced pursuant to this chapter in which such returns or reports or  
21 the facts shown thereby are directly involved; or the inspection of the  
22 returns or reports required under this article by the comptroller or  
23 duly designated officer or employee of the state department of audit and  
24 control, for purposes of the audit of a refund of any tax paid by a  
25 registered organization or other person under this article; nor to  
26 prohibit the delivery to a registered organization, or a duly authorized  
27 representative of such registered organization, a certified copy of any  
28 return or report filed by such registered organization pursuant to this

1 article, nor to prohibit the publication of statistics so classified as  
2 to prevent the identification of particular returns or reports and the  
3 items thereof. This section shall also not be construed to prohibit the  
4 disclosure, for tax administration purposes, to the division of the  
5 budget and the office of the state comptroller, of information aggre-  
6 gated from the returns filed by all the registered organizations making  
7 sales of, or manufacturing, medical [marihuana] cannabis in a specified  
8 county, whether the number of such registered organizations is one or  
9 more. Provided further that, notwithstanding the provisions of this  
10 subdivision, the commissioner may, in his or her discretion, permit the  
11 proper officer of any county entitled to receive an allocation, follow-  
12 ing appropriation by the legislature, pursuant to this article and  
13 section eighty-nine-h of the state finance law, or the authorized repre-  
14 sentative of such officer, to inspect any return filed under this arti-  
15 cle, or may furnish to such officer or the officer's authorized repre-  
16 sentative an abstract of any such return or supply such officer or such  
17 representative with information concerning an item contained in any such  
18 return, or disclosed by any investigation of tax liability under this  
19 article.

20 2. The commissioner, in his or her discretion and pursuant to such  
21 rules and regulations as he or she may adopt, may permit [the commis-  
22 sioner of internal revenue of the United States, or] the appropriate  
23 officers of any other state which regulates or taxes medical [marihuana]  
24 cannabis, or the duly authorized representatives of such [commissioner  
25 or of any such] officers, to inspect returns or reports made pursuant to  
26 this article, or may furnish to such [commissioner or] other officers,  
27 or duly authorized representatives, a copy of any such return or report  
28 or an abstract of the information therein contained, or any portion

1 thereof, or may supply [such commissioner or] any such officers or such  
2 representatives with information relating to the business of a regis-  
3 tered organization making returns or reports hereunder. The commissioner  
4 may refuse to supply information pursuant to this subdivision [to the  
5 commissioner of internal revenue of the United States or] to the offi-  
6 cers of any other state if the statutes [of the United States, or] of  
7 the state represented by such officers, do not grant substantially simi-  
8 lar privileges to the commissioner, but such refusal shall not be manda-  
9 tory. Information shall not be supplied to [the commissioner of internal  
10 revenue of the United States or] the appropriate officers of any other  
11 state which regulates or taxes medical [marihuana] cannabis, or the duly  
12 authorized representatives [of such commissioner or] of any of such  
13 officers, unless such [commissioner,] officer or other representatives  
14 shall agree not to divulge or make known in any manner the information  
15 so supplied, but such officers may transmit such information to their  
16 employees or legal representatives when necessary, who in turn shall be  
17 subject to the same restrictions as those hereby imposed upon such  
18 [commissioner,] officer or other representatives.

19 3. (a) Any officer or employee of the state who willfully violates the  
20 provisions of subdivision one or two of this section shall be dismissed  
21 from office and be incapable of holding any public office in this state  
22 for a period of five years thereafter.

23 (b) Cross-reference: For criminal penalties, see article thirty-seven  
24 of this chapter.

25 § 37. The tax law is amended by adding a new article 20-C to read as  
26 follows:

27 ARTICLE 20-C

28 TAX ON ADULT-USE CANNABIS PRODUCTS

1 Section 492. Definitions.

2 493. Imposition of tax.

3 494. Registration and renewal.

4 495. Returns and payment of tax.

5 496. Records to be kept; penalties.

6 496-a. Returns to be secret.

7 496-b. Administrative provisions.

8 496-c. Illicit cannabis penalty.

9 § 492. Definitions. For purposes of this article, the following defi-  
10 nitions shall apply:

11 (a) "Adult-use cannabis product" or "adult-use cannabis" has the same  
12 meaning as the term is defined in section three of the cannabis law. For  
13 purposes of this article, under no circumstances shall adult-use canna-  
14 bis product include medical cannabis or cannabinoid hemp product as  
15 defined in section three of the cannabis law.

16 (b) "Cannabis" means all parts of the a plant of the genus cannabis,  
17 whether growing or not; the seeds thereof; the resin extracted from any  
18 part of the plant; and every compound, manufacture, salt, derivative,  
19 mixture, or preparation of the plant, its seeds or resin. For purposes  
20 of this article, cannabis does not include medical cannabis or cannabi-  
21 noid hemp product as defined in section three of the cannabis law.

22 (c) "Cannabis edible product" means a product, containing either  
23 cannabis or concentrated cannabis and other ingredients, intended for  
24 use or consumption through ingestion, including sublingual or oral  
25 absorption.

26 (d) "Cannabis flower" means the flower of a plant of the genus canna-  
27 bis that has been harvested, dried and cured but has not undergone any  
28 processing whereby the plant material is transformed into a concentrate,

1 including, but not limited to, concentrated cannabis, or into an edible  
2 or topical product containing cannabis or concentrated cannabis and  
3 other ingredients. Cannabis flower excludes leaves and stem.

4 (e) "Concentrated cannabis" has the same meaning as the term is  
5 defined in section three of the cannabis law.

6 (f) "Distributor" has the same meaning as the term is defined in  
7 section three of the cannabis law.

8 (g) "Illicit cannabis" means and includes cannabis flower, concen-  
9 trated cannabis, cannabis edible product and cannabis plant on which any  
10 tax required to have been paid under this chapter has not been paid, or  
11 the form, packaging, or content of which is not permitted by the office  
12 of cannabis management, as applicable.

13 (h) "Cannabis plant" means cannabis that has not been harvested, or  
14 undergone processing, drying or curing.

15 (i) "Person" means every individual, partnership, limited liability  
16 company, society, association, joint stock company, corporation, estate,  
17 receiver, trustee, assignee, referee, and any other person acting in a  
18 fiduciary or representative capacity, whether appointed by a court or  
19 otherwise, and any combination of the foregoing.

20 (j) "Sale" means any transfer of title, possession or both, exchange  
21 or barter, rental, lease or license to use or consume, conditional, or  
22 otherwise, in any manner or by any means whatsoever for a consideration  
23 or any agreement therefor.

24 (k) "Total THC" has the same meaning as the term defined in section  
25 three of the cannabis law.

26 § 493. Imposition of tax. (a) There is hereby imposed a tax on  
27 adult-use cannabis products sold by a distributor to a person who sells  
28 adult-use cannabis products at retail at the following rates:

1 (1) cannabis flower at the rate of seven tenths of one cent per milli-  
2 gram of the amount of total THC, as reflected on the product label;

3 (2) concentrated cannabis at the rate of one cent per milligram of the  
4 amount of total THC, as reflected on the product label; and

5 (3) cannabis edible product at the rate of four cents per milligram of  
6 the amount of total THC, as reflected on the product label. This tax  
7 shall accrue at the time of such sale or transfer. Where a person who  
8 distributes adult-use cannabis is licensed under the cannabis law as a  
9 microbusiness, cooperative or registered organization, such person shall  
10 be liable for the tax, and such tax shall accrue at the time of the  
11 retail sale.

12 (b) In addition to any other tax imposed by this chapter or other law,  
13 there is hereby imposed a tax of ten and one-quarter percent on receipts  
14 from the retail sale of adult-use cannabis products sold in this state.  
15 The tax is imposed on the retail customer and shall be collected at the  
16 time of the retail sale by the person who sells adult-use cannabis  
17 products at retail, in trust for and on account of the state.

18 § 494. Registration and renewal. (a) (i) Every distributor on whom  
19 tax is imposed under this article and every person who sells adult-use  
20 cannabis products at retail must file with the commissioner a properly  
21 completed application for a certificate of registration before engaging  
22 in business. An application for a certificate of registration must be  
23 submitted electronically, on a form prescribed by the commissioner, and  
24 must be accompanied by a non-refundable application fee of six hundred  
25 dollars. A certificate of registration shall not be assignable or trans-  
26 ferable and shall be destroyed immediately upon such person ceasing to  
27 do business as specified in such certificate, or in the event that such  
28 business never commenced.

1 (ii) Provided, however, that the commissioner shall refund or credit  
2 an application fee paid with respect to the registration of an adult-use  
3 cannabis business in this state if, prior to the beginning of the period  
4 with respect to which such registration relates, the certificate of  
5 registration described in subparagraph (i) of this paragraph is returned  
6 to the department or, if such certificate has been destroyed, the opera-  
7 tor of such business satisfactorily accounts to the commissioner for the  
8 missing certificate, but such business may not sell adult-use cannabis  
9 products in this state during such period, unless it is re-registered.  
10 Such refund or credit shall be deemed a refund of tax paid in error,  
11 provided, however, no interest shall be allowed or paid on any such  
12 refund.

13 (b) The commissioner shall refuse to issue a certificate of registra-  
14 tion to any applicant and shall revoke the certificate of registration  
15 of any such person who does not possess a valid license from the office  
16 of cannabis management or a valid certificate of authority issued pursu-  
17 ant to section eleven hundred thirty-four of this chapter. The commis-  
18 sioner may refuse to issue a certificate of registration to any appli-  
19 cant where such applicant:

20 (i) has a past-due liability as that term is defined in section one  
21 hundred seventy-one-v of this chapter;

22 (ii) has had a certificate of registration under this article, a  
23 license from the office of cannabis management, or any license or regis-  
24 tration provided for in this chapter revoked or suspended where such  
25 revocation or suspension was in effect on the date the application was  
26 filed or ended within one year from the date on which such application  
27 was filed;



1 (iii) has been convicted of a crime provided for in this chapter with-  
2 in one year from the date on which such application was filed or the  
3 certificate was issued, as applicable;

4 (iv) willfully fails to file a report or return required by this arti-  
5 cle;

6 (v) willfully files, causes to be filed, gives or causes to be given a  
7 report, return, certificate or affidavit required by this article which  
8 is false; or

9 (vi) willfully fails to collect or truthfully account for or pay over  
10 any tax imposed by this article.

11 (c) A certificate of registration shall be valid for the period speci-  
12 fied thereon, unless earlier suspended or revoked. Upon the expiration  
13 of the term stated on a certificate of registration, such certificate  
14 shall be null and void.

15 (d) Every holder of a certificate of registration must notify the  
16 commissioner of changes to any of the information stated on the certif-  
17 icate, or of changes to any information contained in the application for  
18 the certificate of registration. Such notification must be made on or  
19 before the last day of the month in which a change occurs and must be  
20 made electronically on a form prescribed by the commissioner.

21 (e) Every holder of a certificate of registration under this article  
22 shall be required to reapply prior to such certificate's expiration,  
23 during a reapplication period established by the commissioner. Such  
24 reapplication period shall not occur more frequently than every two  
25 years. Such reapplication shall be subject to the same requirements and  
26 conditions as an initial application, including grounds for refusal and  
27 the payment of the application fee.

1 (f) Any person who is required to obtain a certificate of registration  
2 under subdivision (a) of this section who possesses adult-use cannabis  
3 products without such certificate shall be subject to a penalty of five  
4 hundred dollars for each month or part thereof during which adult-use  
5 cannabis products are possessed without such certificate, not to exceed  
6 ten thousand dollars in the aggregate.

7 § 495. Returns and payment of tax. (a)(i) Every distributor on whom  
8 tax is imposed under this article shall, on or before the twentieth date  
9 of each month, file with the commissioner a return on forms to be  
10 prescribed by the commissioner, showing the total THC content of adult-  
11 use cannabis products subject to tax pursuant to subdivision (a) of  
12 section four hundred ninety-three of this article and the total amount  
13 of tax due thereon in the preceding calendar month, along with such  
14 other information as the commissioner may require.

15 (ii) Every person who sells adult-use cannabis products to retail  
16 customers shall file with the commissioner a quarterly return on forms  
17 to be prescribed by the commissioner, showing the total amount of tax  
18 due under subdivision (b) of section four hundred ninety-three of this  
19 article in the preceding quarter, along with such other information as  
20 the commissioner may require.

21 (b) Every person required to file a return under this section shall,  
22 at the time of filing such return, pay to the commissioner the total  
23 amount of tax due for the period covered by such return. If a return is  
24 not filed when due, the tax shall be due on the day on which the return  
25 is required to be filed.

26 § 496. Records to be kept; penalties. (a) Records to be kept. Every  
27 distributor on whom tax is imposed under this article and every person  
28 who sells adult-use cannabis products at retail shall maintain complete

1 and accurate records in such form as the commissioner may require  
2 including, but not limited to, such items as the total THC content of  
3 the adult-use cannabis products sold to or produced by such person;  
4 complete records of every retail sale of adult-use cannabis, and any  
5 other record or information required by the commissioner. Such records  
6 must be preserved for a period of three years after the filing of the  
7 return to which such records relate and must be provided to the commis-  
8 sioner upon request.

9 (b) Penalties. In addition to any other penalty provided in this arti-  
10 cle or otherwise imposed by law, every distributor on whom tax is  
11 imposed under this article and every person who sells adult-use cannabis  
12 products at retail who fails to maintain or make available to the  
13 commissioner the records required by this section is subject to a penal-  
14 ty not to exceed five hundred dollars for each month or part thereof for  
15 which the failure occurs. This penalty may not be imposed more than once  
16 for failures for the same monthly period or part thereof. If the  
17 commissioner determines that a failure to maintain or make available  
18 records in any month was entirely due to reasonable cause and not to  
19 willful neglect, the commissioner must remit the penalty for that month.

20 § 496-a. Returns to be secret. (a) Except in accordance with proper  
21 judicial order or as in this section or otherwise provided by law, it  
22 shall be unlawful for the commissioner, any officer or employee of the  
23 department, or any officer or person who, pursuant to this section, is  
24 permitted to inspect any return or report or to whom a copy, an abstract  
25 or a portion of any return or report is furnished, or to whom any infor-  
26 mation contained in any return or report is furnished, or any person who  
27 in any manner may acquire knowledge of the contents of a return or  
28 report filed pursuant to this article to divulge or make known in any

1 manner the content or any other information contained in any return or  
2 report required under this article. The officers charged with the custo-  
3 dy of such returns or reports shall not be required to produce any of  
4 them or evidence of anything contained in them in any action or preced-  
5 ing in any court, except on behalf of the state, the office of cannabis  
6 management, or the commissioner in an action or proceeding involving the  
7 collection of tax due under this chapter to which the state or the  
8 commissioner is a party or a claimant or on behalf of any party to any  
9 action or proceeding under the provisions of this article, when the  
10 returns or the reports or the facts shown thereby are directly involved  
11 in such action or proceeding, or in an action or proceeding related to  
12 the regulation or taxation of adult-use cannabis products on behalf of  
13 officers to whom information shall have been supplied as provided in  
14 this section, in any of which events the court may require the  
15 production of, and may admit in evidence so much of said returns or  
16 reports or of the facts shown thereby as are pertinent to the action or  
17 proceeding and no more. Nothing herein shall be construed to prohibit  
18 the commissioner, in his or her discretion, from allowing the inspection  
19 or delivery of a certified copy of any return or report filed under this  
20 article or of any information contained in any such return or report by  
21 or to a duly authorized officer or employee of the 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 any

1 person under this article; nor to prohibit the delivery to such person  
2 or a duly authorized representative of such person, a certified copy of  
3 any return or report filed by such person pursuant to this article, nor  
4 to prohibit the publication of statistics so classified as to prevent  
5 the identification of particular returns or reports and the items there-  
6 of. This section shall also not be construed to prohibit the disclosure,  
7 for tax administration purposes, to the division of the budget and the  
8 office of the state comptroller, of information aggregated from the  
9 returns filed by all persons subject to the taxes imposed by the arti-  
10 cle, whether the number of such persons is one or more.

11 (b) The commissioner, in his or her discretion, may permit the appro-  
12 priate officers of any other state that regulates or taxes cannabis or  
13 the duly authorized representatives of any such officers, to inspect  
14 returns or reports made pursuant to this article, or may furnish to such  
15 other officers, or their duly authorized representatives, a copy of any  
16 such return or report or an abstract of the information therein  
17 contained, or any portion thereof, or may supply any such officers or  
18 such representatives with information relating to the business of a  
19 person making returns or reports hereunder solely for purposes of tax  
20 administration. The commissioner may refuse to supply information pursu-  
21 ant to this subdivision to the officers of any other state if the stat-  
22 utes of the state represented by such officers do not grant substantial-  
23 ly similar privileges to the commissioner, but such refusal shall not be  
24 mandatory. Information shall not be supplied to the officers of any  
25 state that regulates or taxes cannabis, or their duly authorized repre-  
26 sentatives of any such officers, unless such officer or other represen-  
27 tatives shall agree not to divulge or make known in any manner the  
28 information so supplied, but such officers may transmit such information

1 to their employees or legal representatives when necessary, who in turn  
2 shall be subject to the same restrictions as those hereby imposed upon  
3 such officer or other representatives.

4 (c)(1) Any officer or employee of the state who willfully violates the  
5 provisions of subdivision (a) or (b) of this section shall be dismissed  
6 from office and be incapable of holding any public office in this state  
7 for a period of five years thereafter.

8 (2) For criminal penalties, see article thirty-seven of this chapter.

9 § 496-b. Administrative provisions. (a)(1) The provisions of article  
10 twenty-seven of this chapter shall apply to the tax imposed by subdivi-  
11 sion (a) of section four hundred ninety-three of this article in the  
12 same manner and with the same force and effect as if the language of  
13 such article had been incorporated in full into this section and had  
14 expressly referred to the tax imposed by this article, except to the  
15 extent that any provision of such article is either inconsistent with a  
16 provision of this article or is not relevant to this article.

17 (2) The tax imposed by subdivision (b) of section four hundred nine-  
18 ty-three of this article shall be administered and collected in a like  
19 manner as and jointly with the taxes imposed by sections eleven hundred  
20 five and eleven hundred ten of this chapter. In addition, except as  
21 otherwise provided in this article, all of the provisions of article  
22 twenty-eight of this chapter (except sections eleven hundred seven,  
23 eleven hundred eight, eleven hundred nine, and eleven hundred forty-  
24 eight) relating to or applicable to the administration, collection and  
25 review of the taxes imposed by such sections eleven hundred five and  
26 eleven hundred ten, including, but not limited to, the provisions relat-  
27 ing to definitions, returns, exemptions, penalties, personal liability  
28 for the tax, and collection of tax from the customer, shall apply to the

1 taxes imposed by this article so far as such provisions can be made  
2 applicable to the taxes imposed by this article with such limitations as  
3 set forth in full in this article and such modifications as may be  
4 necessary in order to adapt such language to the taxes so imposed. Such  
5 provisions shall apply with the same force and effect as if the language  
6 of those provisions had been set forth in full except to the extent that  
7 any provision is either inconsistent with a provision of this article or  
8 is not relevant to the taxes imposed by this article.

9 (b)(1) All taxes, interest, and penalties collected or received by the  
10 commissioner under this article shall be deposited and disposed of  
11 pursuant to the provisions of section one hundred seventy-one-a of this  
12 chapter, provided that an amount equal to one hundred percent collected  
13 under this article less any amount determined by the commissioner to be  
14 reserved by the comptroller for refunds or reimbursements shall be paid  
15 by the comptroller to the credit of the cannabis revenue fund estab-  
16 lished by section ninety-nine-ii of the state finance law. Of the total  
17 revenue collected or received under this article, the comptroller shall  
18 retain such amount as the commissioner may determine to be necessary for  
19 refunds. The commissioner is authorized and directed to deduct from the  
20 registration fees under subdivision (a) of section four hundred ninety-  
21 four of this article, before deposit into the cannabis revenue fund  
22 designated by the comptroller, a reasonable amount necessary to effectu-  
23 ate refunds of appropriations of the department to reimburse the depart-  
24 ment for the costs incurred to administer, collect, and distribute the  
25 taxes imposed by this article.

26 § 496-c. Illicit cannabis penalty. (a) In addition to any other civil  
27 or criminal penalties that may apply, any person in possession of or  
28 having control over illicit cannabis, as defined in section four hundred

1 ninety-two of this article, after notice and an opportunity for a hear-  
2 ing, shall be liable for a civil penalty of not less than four hundred  
3 dollars per ounce of illicit cannabis flower, ten dollars per milligram  
4 of the total weight of any illicit cannabis edible product, one hundred  
5 dollars per gram of the total weight of any product containing illicit  
6 cannabis concentrate, and one thousand dollars per illicit cannabis  
7 plant, but not to exceed eight hundred dollars per ounce of illicit  
8 cannabis flower, twenty dollars per milligram of the total weight of any  
9 illicit cannabis edible product, two hundred dollars per gram of the  
10 total weight of any product containing illicit cannabis concentrate, and  
11 two thousand dollars per illicit cannabis plant for a first violation,  
12 and for a second and subsequent violation within three years following a  
13 prior violation shall be liable for a civil penalty of not less than  
14 eight hundred dollars per ounce of illicit cannabis flower, twenty  
15 dollars per milligram of the total weight of any illicit cannabis edible  
16 product, two hundred dollars per gram of the total weight of any product  
17 containing illicit cannabis concentrate, and two thousand dollars per  
18 illicit cannabis plant, but not to exceed one thousand dollars per ounce  
19 of illicit cannabis flower, forty dollars per milligram of the total  
20 weight of any illicit cannabis edible product, four hundred dollars per  
21 gram of the total weight of any product containing illicit cannabis  
22 concentrate, and four thousand dollars per illicit cannabis plant.

23 (b) No enforcement action taken under this section shall be construed  
24 to limit any other criminal or civil liability of anyone in possession  
25 of illicit cannabis.

26 (c) The penalty imposed by this section shall not apply to persons in  
27 possession of less than two ounces of adult-use cannabis or ten grams of  
28 concentrated cannabis.



1 § 38. Subparagraph (A) of paragraph 1 of subdivision (a) of section  
2 1115 of the tax law, as amended by section 1 of part CCC of chapter 59  
3 of the laws of 2019, is amended to read as follows:

4 (A) Food, food products, beverages, dietary foods and health supple-  
5 ments, sold for human consumption but not including (i) candy and  
6 confectionery, (ii) fruit drinks which contain less than seventy percent  
7 of natural fruit juice, (iii) soft drinks, sodas and beverages such as  
8 are ordinarily dispensed at soda fountains or in connection therewith  
9 (other than coffee, tea and cocoa) [and], (iv) beer, wine or other alco-  
10 holic beverages, and (v) adult-use cannabis products as defined in arti-  
11 cle twenty-C of this chapter, all of which shall be subject to the  
12 retail sales and compensating use taxes, whether or not the item is sold  
13 in liquid form. Nothing in this subparagraph shall be construed as  
14 exempting food or drink from the tax imposed under subdivision (d) of  
15 section eleven hundred five of this article.

16 § 39. Intentionally omitted.

17 § 39-a. Paragraph 3 of subdivision (a) of section 1115 of the tax law,  
18 as amended by chapter 201 of the laws of 1976, is amended to read as  
19 follows:

20 (3) Drugs and medicines intended for use, internally or externally, in  
21 the cure, mitigation, treatment or prevention of illnesses or diseases  
22 in human beings, medical equipment (including component parts thereof)  
23 and supplies required for such use or to correct or alleviate physical  
24 incapacity, and products consumed by humans for the preservation of  
25 health but not including: (i) cosmetics or toilet articles notwithstand-  
26 ing the presence of medicinal ingredients therein [or]; (ii) medical  
27 equipment (including component parts thereof) and supplies, other than  
28 such drugs and medicines, purchased at retail for use in performing

1 medical and similar services for compensation; and (iii) adult-use  
2 cannabis products, as defined by article twenty-C of this chapter.

3 § 39-b. Section 471 of the tax law is amended by adding a new subdivi-  
4 sion 7 to read as follows:

5 7. The taxes imposed under this section shall not apply to adult-use  
6 cannabis products subject to tax under article twenty-C of this chapter.

7 § 39-c. Section 1181 of the tax law, as added by section 1 of part UU  
8 of chapter 59 of the laws of 2019, is amended to read as follows:

9 § 1181. Imposition of tax. In addition to any other tax imposed by  
10 this chapter or other law, there is hereby imposed a tax of twenty  
11 percent on receipts from the retail sale of vapor products sold in this  
12 state. The tax is imposed on the purchaser and collected by the vapor  
13 products dealer as defined in subdivision (b) of section eleven hundred  
14 eighty of this article, in trust for and on account of the state. The  
15 taxes imposed under this section shall not apply to adult-use cannabis  
16 products subject to tax under article twenty-C of this chapter.

17 § 39-d. Subdivision (b) of section 1116 of the tax law is amended by  
18 adding a new paragraph 8 to read as follows:

19 8. Nothing in this section shall exempt purchases or sales of adult-  
20 use cannabis products, as defined by article twenty-C of this chapter,  
21 by an organization described in paragraphs four, five, seven, eight, and  
22 nine of subdivision (a) of this section.

23 § 40. Section 12 of chapter 90 of the laws of 2014 amending the public  
24 health law, the tax law, the state finance law, the general business  
25 law, the penal law and the criminal procedure law relating to medical  
26 use of marihuana, is amended to read as follows:

27 § 12. This act shall take effect immediately [and]; provided, however  
28 that sections one, three, five, seven-a, eight, nine, ten and eleven of

1 this act shall expire and be deemed repealed [seven] fourteen years  
2 after such date; provided that sections 490 and 491 of the tax law shall  
3 expire and be deemed repealed fourteen years after such date and that  
4 the amendments to section 171-a of the tax law made by section seven of  
5 this act shall take effect on the same date and in the same manner as  
6 section 54 of part A of chapter 59 of the laws of 2014 takes effect and  
7 shall not expire and be deemed repealed; and provided, further, that the  
8 amendments to subdivision 5 of section 410.91 of the criminal procedure  
9 law made by section eleven of this act shall not affect the expiration  
10 and repeal of such section and shall expire and be deemed repealed ther-  
11 ewith.

12 § 41. The office of cannabis management, in consultation with the  
13 division of the budget, the department of taxation and finance and the  
14 department of health shall conduct a study of the effectiveness of this  
15 act. Such study shall examine all aspects of the program, including the  
16 economic and fiscal aspects of the program, the impact of the program on  
17 the public health and safety of New York residents and the progress made  
18 in achieving social justice goals and toward eliminating the illegal  
19 market for cannabis products in New York. The office shall make recom-  
20 mendations regarding the appropriate level of taxation as well as any  
21 recommended changes to the taxation and regulatory structure of the  
22 program. In addition, the office shall also recommend changes, if any,  
23 necessary to improve and protect the public health and safety of New  
24 Yorkers. Such study shall be conducted two years after the effective  
25 date of this act and shall be presented to the governor, the temporary  
26 president of the senate and the speaker of the assembly, no later than  
27 October 1, 2024.

1 § 42. Section 102 of the alcoholic beverage control law is amended by  
2 adding a new subdivision 8 to read as follows:

3 8. No alcoholic beverage retail licensee shall sell cannabis, nor have  
4 or possess a license or permit to sell cannabis, on the same premises  
5 where alcoholic beverages are sold.

6 § 43. Subdivisions 1, 4, 5, 6, 7 and 13 of section 12-102 of the  
7 general obligations law, as added by chapter 406 of the laws of 2000,  
8 are amended to read as follows:

9 1. "Illegal drug" means any controlled substance [or marijuana] the  
10 possession of which is an offense under the public health law or the  
11 penal law.

12 4. "Grade one violation" means possession of one-quarter ounce or  
13 more, but less than four ounces, or distribution of less than one ounce  
14 of an illegal drug [other than marijuana, or possession of one pound or  
15 twenty-five plants or more, but less than four pounds or fifty plants,  
16 or distribution of less than one pound of marijuana].

17 5. "Grade two violation" means possession of four ounces or more, but  
18 less than eight ounces, or distribution of one ounce or more, but less  
19 than two ounces, of an illegal drug [other than marijuana, or possession  
20 of four pounds or more or fifty plants or distribution of more than one  
21 pound but less than ten pounds of marijuana].

22 6. "Grade three violation" means possession of eight ounces or more,  
23 but less than sixteen ounces, or distribution of two ounces or more, but  
24 less than four ounces, of a specified illegal drug [or possession of  
25 eight pounds or more or seventy-five plants or more, but less than  
26 sixteen pounds or one hundred plants, or distribution of more than five  
27 pounds but less than ten pounds of marijuana].

1 7. "Grade four violation" means possession of sixteen ounces or more  
2 or distribution of four ounces or more of a specified illegal drug [or  
3 possession of sixteen pounds or more or one hundred plants or more or  
4 distribution of ten pounds or more of marijuana].

5 13. "Drug trafficker" means a person convicted of a class A or class B  
6 felony controlled substance [or marijuana offense] who, in connection  
7 with the criminal conduct for which he or she stands convicted,  
8 possessed, distributed, sold or conspired to sell a controlled substance  
9 [or marijuana] which, by virtue of its quantity, the person's prominent  
10 role in the enterprise responsible for the sale or distribution of such  
11 controlled substance and other circumstances related to such criminal  
12 conduct indicate that such person's criminal possession, sale or  
13 conspiracy to sell such substance was not an isolated occurrence and was  
14 part of an ongoing pattern of criminal activity from which such person  
15 derived substantial income or resources and in which such person played  
16 a leadership role.

17 § 44. Paragraph (g) of subdivision 1 of section 488 of the social  
18 services law, as added by section 1 of part B of chapter 501 of the laws  
19 of 2012, is amended to read as follows:

20 (g) "Unlawful use or administration of a controlled substance," which  
21 shall mean any administration by a custodian to a service recipient of:  
22 a controlled substance as defined by article thirty-three of the public  
23 health law, without a prescription; or other medication not approved for  
24 any use by the federal food and drug administration, except for the  
25 administration of medical cannabis when such administration is in  
26 accordance with article three of the cannabis law and any regulations  
27 promulgated thereunder as well as the rules, regulations, policies, or  
28 procedures of the state oversight agency or agencies governing such

1 custodians. It also shall include a custodian unlawfully using or  
2 distributing a controlled substance as defined by article thirty-three  
3 of the public health law, at the workplace or while on duty.

4 § 44-a. Subdivision 1 of section 151 of the social services law, as  
5 amended by section 2 of part F of chapter 58 of the laws of 2014, is  
6 amended to read as follows:

7 1. Unauthorized transactions. Except as otherwise provided in subdivi-  
8 sion two of this section, no person, firm, establishment, entity, or  
9 corporation (a) licensed under the provisions of the alcoholic beverage  
10 control law to sell liquor and/or wine at retail for off-premises  
11 consumption; (b) licensed to sell beer at wholesale and also authorized  
12 to sell beer at retail for off-premises consumption; (c) licensed or  
13 authorized to conduct pari-mutuel wagering activity under the racing,  
14 pari-mutuel wagering and breeding law; (d) licensed to participate in  
15 charitable gaming under article fourteen-H of the general municipal law;  
16 (e) licensed to participate in the operation of a video lottery facility  
17 under section one thousand six hundred seventeen-a of the tax law; (f)  
18 licensed to operate a gaming facility under section one thousand three  
19 hundred eleven of the racing, pari-mutuel wagering and breeding law;  
20 [or] (g) licensed to operate an adult-use cannabis retail dispensary  
21 pursuant to the cannabis law: or (h) providing adult-oriented enter-  
22 tainment in which performers disrobe or perform in an unclothed state  
23 for entertainment, or making available the venue in which performers  
24 disrobe or perform in an unclothed state for entertainment, shall cash  
25 or accept any public assistance check or electronic benefit transfer  
26 device issued by a public welfare official or department, or agent ther-  
27 eof, as and for public assistance.

1 § 44-b. Subdivision 3 of section 151 of the social services law is  
2 amended by adding a new paragraph (d) to read as follows:

3 (d) A violation of the provisions of subdivision one of this section  
4 taking place at the licensed premises by a person, firm, establishment,  
5 entity or corporation licensed pursuant to the cannabis law to operate  
6 an adult-use cannabis retail dispensary shall subject such person, firm,  
7 establishment, entity or corporation to penalties and injunctions pursu-  
8 ant to section sixteen of article two of the cannabis law.

9 § 45. Paragraphs (e) and (f) of subdivision 1 of section 490 of the  
10 social services law, as added by section 1 of part B of chapter 501 of  
11 the laws of 2012, are amended and a new paragraph (g) is added to read  
12 as follows:

13 (e) information regarding individual reportable incidents, incident  
14 patterns and trends, and patterns and trends in the reporting and  
15 response to reportable incidents is shared, consistent with applicable  
16 law, with the justice center, in the form and manner required by the  
17 justice center and, for facilities or provider agencies that are not  
18 state operated, with the applicable state oversight agency which shall  
19 provide such information to the justice center; [and]

20 (f) incident review committees are established; provided, however,  
21 that the regulations may authorize an exemption from this requirement,  
22 when appropriate, based on the size of the facility or provider agency  
23 or other relevant factors. Such committees shall be composed of members  
24 of the governing body of the facility or provider agency and other  
25 persons identified by the director of the facility or provider agency,  
26 including some members of the following: direct support staff, licensed  
27 health care practitioners, service recipients and representatives of  
28 family, consumer and other advocacy organizations, but not the director

1 of the facility or provider agency. Such committee shall meet regularly  
2 to: (i) review the timeliness, thoroughness and appropriateness of the  
3 facility or provider agency's responses to reportable incidents; (ii)  
4 recommend additional opportunities for improvement to the director of  
5 the facility or provider agency, if appropriate; (iii) review incident  
6 trends and patterns concerning reportable incidents; and (iv) make  
7 recommendations to the director of the facility or provider agency to  
8 assist in reducing reportable incidents. Members of the committee shall  
9 be trained in confidentiality laws and regulations, and shall comply  
10 with section seventy-four of the public officers law[.]; and

11 (g) safe storage, administration, and diversion prevention policies  
12 regarding controlled substances and medical cannabis.

13 § 46. Sections 179.00, 179.05, 179.10, 179.11 and 179.15 of the penal  
14 law, as added by chapter 90 of the laws of 2014, are amended to read as  
15 follows:

16 § 179.00 Criminal diversion of medical [marihuana] cannabis; defi-  
17 nitions.

18 The following definitions are applicable to this article:

19 1. "Medical [marihuana] cannabis" means medical [marihuana] cannabis  
20 as defined in [subdivision eight of section thirty-three hundred sixty  
21 of the public health law] section three of the cannabis law.

22 2. "Certification" means a certification, made under section [thirty-  
23 three hundred sixty-one of the public health law] thirty of the cannabis  
24 law.

25 § 179.05 Criminal diversion of medical [marihuana] cannabis; limita-  
26 tions.

27 The provisions of this article shall not apply to:



1 1. a practitioner authorized to issue a certification who acted in  
2 good faith in the lawful course of his or her profession; or

3 2. a registered organization as that term is defined in [subdivision  
4 nine of section thirty-three hundred sixty of the public health law]  
5 section thirty-four of the cannabis law who acted in good faith in the  
6 lawful course of the practice of pharmacy; or

7 3. a person who acted in good faith seeking treatment for a medical  
8 condition or assisting another person to obtain treatment for a medical  
9 condition.

10 § 179.10 Criminal diversion of medical [marihuana] cannabis in the first  
11 degree.

12 A person is guilty of criminal diversion of medical [marihuana] canna-  
13 bis in the first degree when he or she is a practitioner, as that term  
14 is defined in [subdivision twelve of section thirty-three hundred sixty  
15 of the public health law] section three of the cannabis law, who issues  
16 a certification with knowledge of reasonable grounds to know that (i)  
17 the recipient has no medical need for it, or (ii) it is for a purpose  
18 other than to treat a serious condition as defined in [subdivision seven  
19 of section thirty-three hundred sixty of the public health law] section  
20 three of the cannabis law.

21 Criminal diversion of medical [marihuana] cannabis in the first degree  
22 is a class E felony.

23 § 179.11 Criminal diversion of medical [marihuana] cannabis in the  
24 second degree.

25 A person is guilty of criminal diversion of medical [marihuana] canna-  
26 bis in the second degree when he or she sells, trades, delivers, or  
27 otherwise provides medical [marihuana] cannabis to another with know-  
28 ledge or reasonable grounds to know that the recipient is not registered

1 under [title five-A of article thirty-three of the public health law]  
2 article three of the cannabis law.

3 Criminal diversion of medical [marihuana] cannabis in the second  
4 degree is a class B misdemeanor.

5 § 179.15 Criminal retention of medical [marihuana] cannabis.

6 A person is guilty of criminal retention of medical [marihuana] canna-  
7 bis when, being a certified patient or designated caregiver, as those  
8 terms are defined in [subdivisions three and five of section thirty-  
9 three hundred sixty of the public health law, respectively] section  
10 three of the cannabis law, he or she knowingly obtains, possesses,  
11 stores or maintains an amount of [marihuana] cannabis in excess of the  
12 amount he or she is authorized to possess under the provisions of [title  
13 five-A of article thirty-three of the public health law] article three  
14 of the cannabis law.

15 Criminal retention of medical [marihuana] cannabis is a class A misde-  
16 meanor.

17 § 47. Section 220.78 of the penal law, as added by chapter 154 of the  
18 laws of 2011, is amended to read as follows:

19 § 220.78 Witness or victim of drug or alcohol overdose.

20 1. A person who, in good faith, seeks health care for someone who is  
21 experiencing a drug or alcohol overdose or other life threatening  
22 medical emergency shall not be charged or prosecuted for a controlled  
23 substance offense under article two hundred twenty or a [marihuana]  
24 cannabis offense under article two hundred twenty-one of this title,  
25 other than an offense involving sale for consideration or other benefit  
26 or gain, or charged or prosecuted for possession of alcohol by a person  
27 under age twenty-one years under section sixty-five-c of the alcoholic  
28 beverage control law, or for possession of drug paraphernalia under

1 article thirty-nine of the general business law, with respect to any  
2 controlled substance, [marihuana] cannabis, alcohol or paraphernalia  
3 that was obtained as a result of such seeking or receiving of health  
4 care.

5 2. A person who is experiencing a drug or alcohol overdose or other  
6 life threatening medical emergency and, in good faith, seeks health care  
7 for himself or herself or is the subject of such a good faith request  
8 for health care, shall not be charged or prosecuted for a controlled  
9 substance offense under this article or a [marihuana] cannabis offense  
10 under article two hundred twenty-one of this title, other than an  
11 offense involving sale for consideration or other benefit or gain, or  
12 charged or prosecuted for possession of alcohol by a person under age  
13 twenty-one years under section sixty-five-c of the alcoholic beverage  
14 control law, or for possession of drug paraphernalia under article thir-  
15 ty-nine of the general business law, with respect to any substance,  
16 [marihuana] cannabis, alcohol or paraphernalia that was obtained as a  
17 result of such seeking or receiving of health care.

18 3. Definitions. As used in this section the following terms shall have  
19 the following meanings:

20 (a) "Drug or alcohol overdose" or "overdose" means an acute condition  
21 including, but not limited to, physical illness, coma, mania, hysteria  
22 or death, which is the result of consumption or use of a controlled  
23 substance or alcohol and relates to an adverse reaction to or the quan-  
24 tity of the controlled substance or alcohol or a substance with which  
25 the controlled substance or alcohol was combined; provided that a  
26 patient's condition shall be deemed to be a drug or alcohol overdose if  
27 a prudent layperson, possessing an average knowledge of medicine and

1 health, could reasonably believe that the condition is in fact a drug or  
2 alcohol overdose and (except as to death) requires health care.

3 (b) "Health care" means the professional services provided to a person  
4 experiencing a drug or alcohol overdose by a health care professional  
5 licensed, registered or certified under title eight of the education law  
6 or article thirty of the public health law who, acting within his or her  
7 lawful scope of practice, may provide diagnosis, treatment or emergency  
8 services for a person experiencing a drug or alcohol overdose.

9 4. It shall be an affirmative defense to a criminal sale controlled  
10 substance offense under this article or a criminal sale of [marihuana]  
11 cannabis offense under article two hundred twenty-one of this title, not  
12 covered by subdivision one or two of this section, with respect to any  
13 controlled substance or [marihuana] cannabis which was obtained as a  
14 result of such seeking or receiving of health care, that:

15 (a) the defendant, in good faith, seeks health care for someone or for  
16 him or herself who is experiencing a drug or alcohol overdose or other  
17 life threatening medical emergency; and

18 (b) the defendant has no prior conviction for the commission or  
19 attempted commission of a class A-I, A-II or B felony under this arti-  
20 cle.

21 5. Nothing in this section shall be construed to bar the admissibility  
22 of any evidence in connection with the investigation and prosecution of  
23 a crime with regard to another defendant who does not independently  
24 qualify for the bar to prosecution or for the affirmative defense; nor  
25 with regard to other crimes committed by a person who otherwise quali-  
26 fies under this section; nor shall anything in this section be construed  
27 to bar any seizure pursuant to law, including but not limited to pursu-

1 ant to section thirty-three hundred eighty-seven of the public health  
2 law.

3 6. The bar to prosecution described in subdivisions one and two of  
4 this section shall not apply to the prosecution of a class A-I felony  
5 under this article, and the affirmative defense described in subdivision  
6 four of this section shall not apply to the prosecution of a class A-I  
7 or A-II felony under this article.

8 § 48. Subdivision 1 of section 260.20 of the penal law, as amended by  
9 chapter 362 of the laws of 1992, is amended as follows:

10 1. He knowingly permits a child less than eighteen years old to enter  
11 or remain in or upon a place, premises or establishment where sexual  
12 activity as defined by article one hundred thirty, two hundred thirty or  
13 two hundred sixty-three of this [chapter] part or activity involving  
14 controlled substances as defined by article two hundred twenty of this  
15 [chapter or involving marihuana as defined by article two hundred twen-  
16 ty-one of this chapter] part is maintained or conducted, and he knows or  
17 has reason to know that such activity is being maintained or conducted;  
18 or

19 § 49. Section 89-h of the state finance law, as added by chapter 90 of  
20 the laws of 2014, is amended to read as follows:

21 § 89-h. Medical [marihuana] cannabis trust fund. 1. There is hereby  
22 established in the joint custody of the state comptroller and the  
23 commissioner of taxation and finance a special fund to be known as the  
24 "medical [marihuana] cannabis trust fund."

25 2. The medical [marihuana] cannabis trust fund shall consist of all  
26 moneys required to be deposited in the medical [marihuana] cannabis  
27 trust fund pursuant to the provisions of section four hundred ninety of  
28 the tax law.

1 3. The moneys in the medical [marihuana] cannabis trust fund shall be  
2 kept separate and shall not be commingled with any other moneys in the  
3 custody of the commissioner of taxation and finance and the state comp-  
4 troller.

5 4. The moneys of the medical [marihuana] cannabis trust fund, follow-  
6 ing appropriation by the legislature, shall be allocated upon a certif-  
7 icate of approval of availability by the director of the budget as  
8 follows: (a) Twenty-two and five-tenths percent of the monies shall be  
9 transferred to the counties in New York state in which the medical  
10 [marihuana] cannabis was manufactured and allocated in proportion to the  
11 gross sales originating from medical [marihuana] cannabis manufactured  
12 in each such county; (b) twenty-two and five-tenths percent of the  
13 moneys shall be transferred to the counties in New York state in which  
14 the medical [marihuana] cannabis was dispensed and allocated in propor-  
15 tion to the gross sales occurring in each such county; (c) five percent  
16 of the monies shall be transferred to the office of [alcoholism and  
17 substance abuse services] addiction services and supports, which shall  
18 use that revenue for additional drug abuse prevention, counseling and  
19 treatment services; [and] (d) five percent of the revenue received by  
20 the department shall be transferred to the division of criminal justice  
21 services, which shall use that revenue for a program of discretionary  
22 grants to state and local law enforcement agencies that demonstrate a  
23 need relating to [title five-A of article thirty-three of the public  
24 health law] article three of the cannabis law; said grants could be used  
25 for personnel costs of state and local law enforcement agencies[.]; and  
26 (e) forty-five percent of the monies shall be transferred to the New  
27 York state cannabis revenue fund. For purposes of this subdivision, the  
28 city of New York shall be deemed to be a county.

1 § 50. The state finance law is amended by adding a new section 99-ii  
2 to read as follows:

3 § 99-ii. New York state cannabis revenue fund. 1. There is hereby  
4 established in the joint custody of the state comptroller and the  
5 commissioner of taxation and finance a special fund to be known as the  
6 "New York state cannabis revenue fund" (the "fund").

7 2. Monies in the fund shall be kept separate from and shall not be  
8 commingled with any other monies in the custody of the comptroller or  
9 the commissioner of taxation and finance. Provided, however that any  
10 monies of the fund not required for immediate use may, at the discretion  
11 of the comptroller, in consultation with the director of the budget, be  
12 invested by the comptroller in obligations of the United States or the  
13 state. The proceeds of any such investment shall be retained by the fund  
14 as assets to be used for purposes of the fund.

15 3. Except as set forth in subdivisions two and four of this section,  
16 monies from the fund shall not be used to make payments for any purpose  
17 other than the purposes set forth in subdivisions two and four of this  
18 section.

19 4. The "New York state cannabis revenue fund" shall consist of monies  
20 received by the commissioner of taxation and finance pursuant to subdi-  
21 visions (a) and (b) of section four hundred ninety-three of the tax law  
22 and all other monies credited or transferred thereto from any other fund  
23 or source. Such monies shall first be allocated to the "cannabis social  
24 equity fund" established pursuant to a chapter of the laws of two thou-  
25 sand twenty-one that established such fund, according to the following  
26 schedule: ten million dollars in fiscal year two thousand twenty-two--  
27 two thousand twenty-three; twenty million dollars in fiscal year two  
28 thousand twenty-three--two thousand twenty-four; thirty million dollars

1 in fiscal year two thousand twenty-four--two thousand twenty-five; forty  
2 million dollars in fiscal year two thousand twenty-five--two thousand  
3 twenty-six; and fifty million dollars in each fiscal year thereafter.  
4 All remaining monies shall be expended for the following purposes:  
5 administration of the regulated cannabis program, data gathering, moni-  
6 toring and reporting, the governor's traffic safety committee, implemen-  
7 tation and administration of the initiatives and programs of the social  
8 and economic equity plan in the office of cannabis management, substance  
9 abuse, harm reduction and mental health treatment and prevention, public  
10 health education and intervention, research on cannabis uses and appli-  
11 cations, program evaluation and improvements, and any other identified  
12 purpose recommended by the executive director of the office of cannabis  
13 management and approved by the director of the budget.

14 § 51. Subdivision 2 of section 3371 of the public health law, as  
15 amended by chapter 90 of the laws of 2014, is amended to read as  
16 follows:

17 2. The prescription monitoring program registry may be accessed, under  
18 such terms and conditions as are established by the department for  
19 purposes of maintaining the security and confidentiality of the informa-  
20 tion contained in the registry, by:

21 (a) a practitioner, or a designee authorized by such practitioner  
22 pursuant to paragraph (b) of subdivision two of section thirty-three  
23 hundred forty-three-a [or section thirty-three hundred sixty-one] of  
24 this article, for the purposes of: (i) informing the practitioner that a  
25 patient may be under treatment with a controlled substance by another  
26 practitioner; (ii) providing the practitioner with notifications of  
27 controlled substance activity as deemed relevant by the department,  
28 including but not limited to a notification made available on a monthly



1 or other periodic basis through the registry of controlled substances  
2 activity pertaining to his or her patient; (iii) allowing the practi-  
3 tioner, through consultation of the prescription monitoring program  
4 registry, to review his or her patient's controlled substances history  
5 as required by section thirty-three hundred forty-three-a [or section  
6 thirty-three hundred sixty-one] of this article; and (iv) providing to  
7 his or her patient, or person authorized pursuant to paragraph (j) of  
8 subdivision one of this section, upon request, a copy of such patient's  
9 controlled substance history as is available to the practitioner through  
10 the prescription monitoring program registry; or

11 (b) a pharmacist, pharmacy intern or other designee authorized by the  
12 pharmacist pursuant to paragraph (b) of subdivision three of section  
13 thirty-three hundred forty-three-a of this article, for the purposes of:

14 (i) consulting the prescription monitoring program registry to review  
15 the controlled substances history of an individual for whom one or more  
16 prescriptions for controlled substances or certifications for [marihua-  
17 na] cannabis is presented to the pharmacist, pursuant to section thir-  
18 ty-three hundred forty-three-a of this article; and (ii) receiving from  
19 the department such notifications of controlled substance activity as  
20 are made available by the department; or

21 (c) an individual employed by a registered organization for the  
22 purpose of consulting the prescription monitoring program registry to  
23 review the controlled substances history of an individual for whom one  
24 or more certifications for [marihuana] cannabis is presented to that  
25 registered organization[, pursuant to section thirty-three hundred  
26 sixty-four of this article]. Unless otherwise authorized by this arti-  
27 cle, an individual employed by a registered organization will be

1 provided access to the prescription monitoring program in the sole  
2 discretion of the commissioner.

3 § 52. Subdivision 3 of section 853 of the general business law, as  
4 added by chapter 90 of the laws of 2014, is amended to read as follows:

5 3. This article shall not apply to any sale, furnishing or possession  
6 which is for a lawful purpose under [title five-A of article thirty-  
7 three of the public health law] the cannabis law.

8 § 53. Subdivision 5 of section 410.91 of the criminal procedure law,  
9 as amended by chapter 90 of the laws of 2014, is amended to read as  
10 follows:

11 5. For the purposes of this section, a "specified offense" is an  
12 offense defined by any of the following provisions of the penal law:  
13 burglary in the third degree as defined in section 140.20, criminal  
14 mischief in the third degree as defined in section 145.05, criminal  
15 mischief in the second degree as defined in section 145.10, grand larceny  
16 in the fourth degree as defined in subdivision one, two, three, four,  
17 five, six, eight, nine or ten of section 155.30, grand larceny in the  
18 third degree as defined in section 155.35 (except where the property  
19 consists of one or more firearms, rifles or shotguns), unauthorized use  
20 of a vehicle in the second degree as defined in section 165.06, criminal  
21 possession of stolen property in the fourth degree as defined in subdivi-  
22 sion one, two, three, five or six of section 165.45, criminal  
23 possession of stolen property in the third degree as defined in section  
24 165.50 (except where the property consists of one or more firearms,  
25 rifles or shotguns), forgery in the second degree as defined in section  
26 170.10, criminal possession of a forged instrument in the second degree  
27 as defined in section 170.25, unlawfully using slugs in the first degree  
28 as defined in section 170.60, criminal diversion of medical [marihuana]

1 cannabis in the first degree as defined in section 179.10 or an attempt  
2 to commit any of the aforementioned offenses if such attempt constitutes  
3 a felony offense; or a class B felony offense defined in article two  
4 hundred twenty where a sentence is imposed pursuant to paragraph (a) of  
5 subdivision two of section 70.70 of the penal law; or any class C, class  
6 D or class E controlled substance [or marihuana] cannabis felony offense  
7 as defined in article two hundred twenty or two hundred twenty-one.

8 § 54. Subdivision 5 of section 410.91 of the criminal procedure law,  
9 as amended by section 8 of part AAA of chapter 56 of the laws of 2009,  
10 is amended to read as follows:

11 5. For the purposes of this section, a "specified offense" is an  
12 offense defined by any of the following provisions of the penal law:  
13 burglary in the third degree as defined in section 140.20, criminal  
14 mischief in the third degree as defined in section 145.05, criminal  
15 mischief in the second degree as defined in section 145.10, grand larceny  
16 in the fourth degree as defined in subdivision one, two, three, four,  
17 five, six, eight, nine or ten of section 155.30, grand larceny in the  
18 third degree as defined in section 155.35 (except where the property  
19 consists of one or more firearms, rifles or shotguns), unauthorized use  
20 of a vehicle in the second degree as defined in section 165.06, criminal  
21 possession of stolen property in the fourth degree as defined in subdi-  
22 vision one, two, three, five or six of section 165.45, criminal  
23 possession of stolen property in the third degree as defined in section  
24 165.50 (except where the property consists of one or more firearms,  
25 rifles or shotguns), forgery in the second degree as defined in section  
26 170.10, criminal possession of a forged instrument in the second degree  
27 as defined in section 170.25, unlawfully using slugs in the first degree  
28 as defined in section 170.60, or an attempt to commit any of the afore-

1 mentioned offenses if such attempt constitutes a felony offense; or a  
2 class B felony offense defined in article two hundred twenty where a  
3 sentence is imposed pursuant to paragraph (a) of subdivision two of  
4 section 70.70 of the penal law; or any class C, class D or class E  
5 controlled substance or [marihuana] cannabis felony offense as defined  
6 in article two hundred twenty or two hundred twenty-one.

7 § 55. The criminal procedure law is amended by adding a new section  
8 440.46-a to read as follows:

9 § 440.46-a Motion for resentence; persons convicted of certain marihuana  
10 offenses.

11 1. A person currently serving a sentence for a conviction, whether by  
12 trial or by open or negotiated plea, who would not have been guilty of  
13 an offense or who would have been guilty of a lesser offense on and  
14 after the effective date of this section had this section been in effect  
15 at the time of his or her conviction may petition for a recall or  
16 dismissal of sentence before the trial court that entered the judgment  
17 of conviction in his or her case to request resentencing or dismissal in  
18 accordance with article two hundred twenty-one of the penal law.

19 2. Upon receiving a motion under subdivision one of this section the  
20 court shall presume the movant satisfies the criteria in subdivision one  
21 of this section unless the party opposing the motion proves by clear and  
22 convincing evidence that the movant does not satisfy the criteria. If  
23 the movant satisfies the criteria in subdivision one of this section,  
24 the court shall grant the motion to vacate the sentence or to resentence  
25 because it is legally invalid. In exercising its discretion, the court  
26 may consider, but shall not be limited to, the following: (a) the  
27 movant's criminal conviction history, including the type of crimes  
28 committed, the extent of injury to victims, the length of prior prison

1 commitments, and the remoteness of the crimes. (b) the movant's disci-  
2 plinary record and record of rehabilitation while incarcerated.

3 3. A person who is serving a sentence and resentenced pursuant to  
4 subdivision two of this section shall be given credit for any time  
5 already served and shall be subject to supervision for one year follow-  
6 ing completion of his or her time in custody or shall be subject to  
7 whatever supervision time he or she would have otherwise been subject to  
8 after release, whichever is shorter, unless the court, in its  
9 discretion, as part of its resentencing order, releases the person from  
10 supervision. Such person is subject to parole supervision under section  
11 60.04 of the penal law or post-release supervision under section 70.45  
12 of the penal law by the designated agency and the jurisdiction of the  
13 court in the county in which the person is released or resides, or in  
14 which an alleged violation of supervision has occurred, for the purpose  
15 of hearing petitions to revoke supervision and impose a term of custody.

16 4. Under no circumstances may resentencing under this section result  
17 in the imposition of a term longer than the original sentence, or the  
18 reinstatement of charges dismissed pursuant to a negotiated plea agree-  
19 ment.

20 5. A person who has completed his or her sentence for a conviction  
21 under the former article two hundred twenty-one of the penal law, wheth-  
22 er by trial or open or negotiated plea, who would have been guilty of a  
23 lesser offense on and after the effective date of this section had this  
24 section been in effect at the time of his or her conviction, may file an  
25 application before the trial court that entered the judgment of  
26 conviction in his or her case to have the conviction, in accordance with  
27 article two hundred twenty-one of the penal law: (a) dismissed because  
28 the prior conviction is now legally invalid and sealed in accordance

1 with section 160.50 of this chapter; (b) redesignated (or "reclassi-  
2 fied") as a violation and sealed in accordance with section 160.50 of  
3 this chapter; or (c) redesignated (reclassified) as a misdemeanor.

4 6. The court shall presume the petitioner satisfies the criteria in  
5 subdivision five of this section unless the party opposing the applica-  
6 tion proves by clear and convincing evidence that the petitioner does  
7 not satisfy the criteria in subdivision five of this section. Once the  
8 applicant satisfies the criteria in subdivision five of this section,  
9 the court shall redesignate (or "reclassify") the conviction as a misde-  
10 meanor, redesignate (reclassify) the conviction as a violation and seal  
11 the conviction, or dismiss and seal the conviction as legally invalid  
12 under this section had this section been in effect at the time of his or  
13 her conviction.

14 7. Unless requested by the applicant, no hearing is necessary to grant  
15 or deny an application filed under subdivision five of this section.

16 8. Any felony conviction that is vacated and resentenced under subdi-  
17 vision two or designated as a misdemeanor or violation under subdivision  
18 six of this section shall be considered a misdemeanor or violation for  
19 all purposes. Any misdemeanor conviction that is vacated and resentenced  
20 under subdivision two of this section or designated as a violation under  
21 subdivision six of this section shall be considered a violation for all  
22 purposes.

23 9. If the court that originally sentenced the movant is not available,  
24 the presiding judge shall designate another judge to rule on the peti-  
25 tion or application.

26 10. Nothing in this section is intended to diminish or abrogate any  
27 rights or remedies otherwise available to the petitioner or applicant.

1 11. Nothing in this and related sections is intended to diminish or  
2 abrogate the finality of judgments in any case not falling within the  
3 purview of this section.

4 12. The provisions of this section shall apply equally to juvenile  
5 delinquency adjudications and dispositions under section five hundred  
6 one-e of the executive law if the juvenile would not have been guilty of  
7 an offense or would have been guilty of a lesser offense under this  
8 section had this section been in effect at the time of his or her  
9 conviction.

10 13. The office of court administration shall promulgate and make  
11 available all necessary forms to enable the filing of the petitions and  
12 applications provided in this section no later than sixty days following  
13 the effective date of this section.

14 § 56. Transfer of employees. Notwithstanding any other provision of  
15 law, rule, or regulation to the contrary, upon the transfer of any func-  
16 tions from the department of health to the office of cannabis management  
17 for the regulation and control of medical cannabis pursuant to this act,  
18 employees performing those functions shall be transferred to the office  
19 of cannabis management pursuant to subdivision 2 of section 70 of the  
20 civil service law. Employees transferred pursuant to this section shall  
21 be transferred without further examination or qualification and shall  
22 retain their respective civil service classifications, status and  
23 collective bargaining unit designations and collective bargaining agree-  
24 ments. The civil service department may re-classify any person employed  
25 in a permanent, classified, competitive, or exempt class position imme-  
26 diately prior to being transferred to the office of cannabis management  
27 pursuant to subdivision 2 of section 70 of the civil service law, to  
28 align with the duties and responsibilities of their positions upon

1 transfer. Employees whose positions are subsequently re-classified to  
2 align with the duties and responsibilities of their positions upon being  
3 transferred to the office of cannabis management shall hold such posi-  
4 tions without further examination or qualification. Notwithstanding any  
5 other provision of this act, the names of those competitive permanent  
6 employees on promotion eligible lists in their former department shall  
7 be added and interfiled on a promotion eligible list in the new office,  
8 as the state civil service department deems appropriate.

9 § 57. Transfer of records. All books, papers, and property of the  
10 department of health related to the administration of the medical mari-  
11 juana program shall be deemed to be in the possession of the executive  
12 director of the office of cannabis management and shall continue to be  
13 maintained by the office of cannabis management.

14 § 58. Continuity of authority. For the purpose of succession of all  
15 functions, powers, duties and obligations transferred and assigned to,  
16 devolved upon and assumed by it pursuant to this act, the office of  
17 cannabis management shall be deemed and held to constitute the continua-  
18 tion of the department of health's medical marijuana program.

19 § 59. Completion of unfinished business. Any business or other matter  
20 undertaken or commenced by the department of health pertaining to or  
21 connected with the functions, powers, obligations and duties hereby  
22 transferred and assigned to the office of cannabis management and pend-  
23 ing on the effective date of this act, may be conducted and completed by  
24 the office of cannabis management.

25 § 60. Continuation of rules and regulations. All rules, regulations,  
26 acts, orders, determinations, and decisions of the department of health  
27 pertaining to medical marijuana and cannabinoid hemp, including the  
28 functions and powers transferred and assigned pursuant to this act, in



1 force at the time of such transfer and assumption, shall continue in  
2 full force and effect as rules, regulations, acts, orders, determi-  
3 nations and decisions of the office of cannabis management until duly  
4 modified or abrogated by the board of the office of cannabis management.

5 § 61. Terms occurring in laws, contracts and other documents. Whenev-  
6 er the department of health, or commissioner thereof, is referred to or  
7 designated in any law, contract or document pertaining to the functions,  
8 powers, obligations and duties hereby transferred to and assigned to the  
9 office of cannabis management, such reference or designation shall be  
10 deemed to refer to the board of cannabis management, or the executive  
11 director thereof, as applicable.

12 § 62. Existing rights and remedies preserved. No existing right or  
13 remedy of any character shall be lost, impaired or affected by any  
14 provisions of this act.

15 § 63. Pending actions and proceedings. No action or proceeding pending  
16 at the time when this act shall take effect, brought by or against the  
17 department of health, or the commissioner thereof, shall be affected by  
18 any provision of this act, but the same may be prosecuted or defended in  
19 the name of the executive director of the office of cannabis management.  
20 In all such actions and proceedings, the executive director of the  
21 office of cannabis management, upon application to the court, shall be  
22 substituted as a party.

23 § 63-a. Severability. If any clause, sentence, paragraph, subdivision,  
24 section or part of this act shall be adjudged by any court of competent  
25 jurisdiction to be invalid, such judgment shall not affect, impair, or  
26 invalidate the remainder thereof, but shall be confined in its operation  
27 to the clause, sentence, paragraph, subdivision, section or part thereof  
28 directly involved in the controversy in which such judgment shall have

1 been rendered. It is hereby declared to be the intent of the legislature  
2 that this act would have been enacted even if such invalid provisions  
3 had not been included herein.

4 § 64. This act shall take effect immediately; provided, however that:

5 (i) the taxes imposed by section thirty-seven of this act shall apply  
6 on and after March 1, 2022 to: (1) the sale of adult-use cannabis  
7 products from a distributor to the person who sells adult-use cannabis  
8 at retail; and (2) the sale of adult-use cannabis products by a person  
9 who sells such products at retail;

10 (ii) the amendments to article 179 of the penal law made by section  
11 forty-six of this act shall not affect the repeal of such article and  
12 shall be deemed to be repealed therewith;

13 (iii) the amendments to section 89-h of the state finance law made by  
14 section forty-nine of this act shall not affect the repeal of such  
15 section and shall be deemed repealed therewith;

16 (iv) the amendments to section 221.00 of the penal law made by section  
17 fourteen of this act shall be subject to the expiration of such section  
18 when upon such date the provisions of section fifteen of this act shall  
19 take effect;

20 (v) the amendments to subdivision 2 of section 3371 of the public  
21 health law made by section fifty-one of this act shall not affect the  
22 expiration of such subdivision and shall be deemed to expire therewith;

23 (vi) the amendments to subdivision 3 of section 853 of the general  
24 business law made by section fifty-two of this act shall not affect the  
25 repeal of such subdivision and shall be deemed to be repealed therewith;  
26 and

27 (vii) the amendments to subdivision 5 of section 410.91 of the crimi-  
28 nal procedure law made by section fifty-three of this act shall not

1 affect the repeal of such section and shall be subject to the expiration  
2 and reversion of such subdivision when upon such date the provisions of  
3 section fifty-four of this act shall take effect.

4 PART I

5 Section 1. Subdivision (c) of section 1101 of the tax law, as added  
6 by chapter 93 of the laws of 1965, paragraphs 2, 3, 4 and 6 as amended  
7 by section 2 and paragraph 8 as added by section 3 of part AA of chapter  
8 57 of the laws of 2010, and paragraph 5 as amended by chapter 575 of the  
9 laws of 1965, is amended to read as follows:

10 (c) When used in this article for the purposes of the tax imposed  
11 under subdivision (e) of section eleven hundred five of this article,  
12 the following terms shall mean:

13 (1) Hotel. A building or portion of it which is regularly used and  
14 kept open as such for the lodging of guests. The term "hotel" includes  
15 an apartment hotel, a motel, boarding house or club, whether or not  
16 meals are served.

17 (2) Occupancy. The use or possession, or the right to the use or  
18 possession, of any room in a hotel or vacation rental. "Right to the  
19 use or possession" includes the rights of a room remarketer as described  
20 in paragraph eight of this subdivision.

21 (3) Occupant. A person who, for a consideration, uses, possesses, or  
22 has the right to use or possess, any room in a hotel or vacation rental  
23 under any lease, concession, permit, right of access, license to use or  
24 other agreement, or otherwise. "Right to use or possess" includes the  
25 rights of a room remarketer as described in paragraph eight of this  
26 subdivision.

1 (4) Operator. Any person operating a hotel or vacation rental. Such  
2 term shall include a room remarketer and such room remarketer shall be  
3 deemed to operate a hotel, or portion thereof, with respect to which  
4 such person has the rights of a room remarketer.

5 (5) Permanent resident. Any occupant of any room or rooms in a hotel  
6 or vacation rental for at least ninety consecutive days shall be consid-  
7 ered a permanent resident with regard to the period of such occupancy.

8 (6) Rent. The consideration received for occupancy, including any  
9 service or other charge or amount required to be paid as a condition for  
10 occupancy, valued in money, whether received in money or otherwise and  
11 whether received by the operator or a room remarketer or another person  
12 on behalf of either of them.

13 (7) Room. Any room or rooms of any kind in any part or portion of a  
14 hotel or vacation rental, which is available for or let out for any  
15 purpose other than a place of assembly.

16 (8) Room remarketer. A person who reserves, arranges for, conveys, or  
17 furnishes occupancy, whether directly or indirectly, to an occupant for  
18 rent in a hotel for an amount determined by the room remarketer, direct-  
19 ly or indirectly, whether pursuant to a written or other agreement. Such  
20 person's ability or authority to reserve, arrange for, convey, or  
21 furnish occupancy, directly or indirectly, and to determine rent there-  
22 for, shall be the "rights of a room remarketer". A room remarketer is  
23 not a permanent resident with respect to a room for which such person  
24 has the rights of a room remarketer.

25 (9) Vacation rental. A building or portion of it that is used for the  
26 lodging of guests. The term "vacation rental" includes a house, an  
27 apartment, a condominium, a cooperative unit, a cabin, a cottage, or a  
28 bungalow, or one or more rooms therein, where sleeping accommodations

1 are provided for the lodging of paying occupants, the typical occupants  
2 are transients or travelers, and the relationship between the operator  
3 and occupant is not that of a landlord and tenant. It is not necessary  
4 that meals are served. A building or portion of a building may qualify  
5 as a vacation rental whether or not amenities, including but not limited  
6 to daily housekeeping services, concierge services, or linen services,  
7 are provided.

8 (10) (i) Vacation rental marketplace provider. A person who, pursuant  
9 to an agreement with an operator, facilitates the occupancy of a vaca-  
10 tion rental by such operator or operators. A person "facilitates the  
11 occupancy of a vacation rental" for purposes of this paragraph when the  
12 person meets both of the following conditions: (A) such person provides  
13 the forum in which, or by means of which, the sale of the occupancy  
14 takes place or the offer of such sale is accepted, including a shop,  
15 store, or booth, an internet website, catalog, or similar forum; and (B)  
16 such person or an affiliate of such person collects the rent paid by a  
17 customer to an operator for the occupancy of a vacation rental, or  
18 contracts with a third party to collect such rent.

19 (ii) For the purposes of this article, the term "vacation rental  
20 marketplace provider" shall not include a "room remarketer" as defined  
21 in paragraph eight of this subdivision. For purposes of this paragraph,  
22 persons are affiliated if one person has an ownership interest of more  
23 than five percent, whether direct or indirect, in another, or where an  
24 ownership interest of more than five percent, whether direct or indi-  
25 rect, is held in each of such persons by another person or by a group of  
26 other persons that are affiliated persons with respect to each other.  
27 The term "vacation rental marketplace provider" shall not include a

1 "real estate broker" as licensed under article twelve-A of the real  
2 property law.

3 § 2. Subdivision (a) of section 1104 of the tax law, as added by chap-  
4 ter 3 of the laws of 2004, is amended to read as follows:

5 (a) Imposition. In addition to any other fee or tax imposed by this  
6 article or any other law, on and after April first, two thousand five,  
7 there is hereby imposed within the territorial limits of a city with a  
8 population of a million or more and there shall be paid a unit fee on  
9 every occupancy of a unit in a hotel or vacation rental in such city at  
10 the rate of one dollar and fifty cents per unit per day, except that  
11 such unit fee shall not be imposed upon (1) occupancy by a permanent  
12 resident or (2) where the rent per unit is not more than at the rate of  
13 two dollars per day.

14 § 3. Paragraph 1 of subdivision (e) of section 1105 of the tax law, as  
15 amended by section 1 of part Q of chapter 59 of the laws of 2012, is  
16 amended to read as follows:

17 (1) The rent for every occupancy of a room or rooms in a hotel and  
18 vacation rental in this state, except that the tax shall not be imposed  
19 upon (i) a permanent resident, or (ii) where the rent is not more than  
20 at the rate of two dollars per day.

21 § 4. Subdivision 1 of section 1131 of the tax law, as amended by  
22 section 2 of part G of chapter 59 of the laws of 2019, 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 every operator of a hotel or vacation rental; every vacation rental  
28 marketplace provider with respect to the rent for every occupancy of a

1 vacation rental it facilitates as described in paragraph ten of subdivi-  
2 sion (c) of section eleven hundred one of this article; and every  
3 marketplace provider with respect to sales of tangible personal property  
4 it facilitates as described in paragraph one of subdivision (e) of  
5 section eleven hundred one of this article. Said terms shall also  
6 include any officer, director or employee of a corporation or of a  
7 dissolved corporation, any employee of a partnership, any employee or  
8 manager of a limited liability company, or any employee of an individual  
9 proprietorship who as such officer, director, employee or manager is  
10 under a duty to act for such corporation, partnership, limited liability  
11 company or individual proprietorship in complying with any requirement  
12 of this article, or has so acted; and any member of a partnership or  
13 limited liability company. Provided, however, that any person who is a  
14 vendor solely by reason of clause (D) or (E) of subparagraph (i) of  
15 paragraph [(8)] eight of subdivision (b) of section eleven hundred one  
16 of this article shall not be a "person required to collect any tax  
17 imposed by this article" until twenty days after the date by which such  
18 person is required to file a certificate of registration pursuant to  
19 section eleven hundred thirty-four of this part.

20 § 5. Section 1132 of the tax law is amended by adding a new subdivi-  
21 sion (m) to read as follows:

22 (m)(1) A vacation rental marketplace provider with respect to a sale  
23 for every occupancy of a vacation rental it facilitates: (A) shall have  
24 all the obligations and rights of a vendor under this article and arti-  
25 cle twenty-nine of this chapter and under any regulations adopted pursu-  
26 ant thereto, including, but not limited to, the duty to obtain a certif-  
27 icate of authority, to collect tax, file returns, remit tax, and the  
28 right to accept a certificate or other documentation from a customer

1 substantiating an exemption or exclusion from tax, the right to receive  
2 the refund authorized by subdivision (e) of this section and the credit  
3 allowed by subdivision (f) of section eleven hundred thirty-seven of  
4 this part subject to the provisions of such subdivisions; and (B) shall  
5 keep such records and information and cooperate with the commissioner to  
6 ensure the proper collection and remittance of tax imposed, collected or  
7 required to be collected under this article and article twenty-nine of  
8 this chapter.

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



1 subparagraph, including with regard to the completeness of such certif-  
2 icate of collection and the timing of its acceptance by the operator.  
3 Provided that, with regard to any sales of occupancy of a vacation  
4 rental by an operator that are facilitated by a vacation rental market-  
5 place provider who is affiliated with such operator within the meaning  
6 of paragraph ten of subdivision (c) of section eleven hundred one of  
7 this article, the operator shall be deemed liable as a person under a  
8 duty to act for such vacation rental marketplace provider for purposes  
9 of subdivision one of section eleven hundred thirty-one of this part.

10 (3) The commissioner may, at his or her discretion: (A) develop a  
11 standard provision, or approve a provision developed by a vacation  
12 rental marketplace provider, in which the vacation rental marketplace  
13 provider obligates itself to collect the tax on behalf of all operators  
14 for whom the vacation rental marketplace provider facilitates sales of  
15 occupancy of a vacation rental, with respect to all sales that it facil-  
16 itates for such operators where the rental occurs in the state; and (B)  
17 provide by regulation or otherwise that the inclusion of such provision  
18 in the publicly-available agreement between the vacation rental market-  
19 place provider and operator will have the same effect as an operator's  
20 acceptance of a certificate of collection from such vacation rental  
21 marketplace provider under paragraph two of this subdivision.

22 § 6. Section 1133 of the tax law is amended by adding a new subdivi-  
23 sion (g) to read as follows:

24 (g) A vacation rental marketplace provider is relieved of liability  
25 under this section for failure to collect the correct amount of tax to  
26 the extent that the vacation rental marketplace provider can show that  
27 the error was due to incorrect or insufficient information given to the  
28 vacation rental marketplace provider by the operator. Provided, however,

1 this subdivision shall not apply if the operator and vacation rental  
2 marketplace provider are affiliated within the meaning of paragraph ten  
3 of subdivision (c) of section eleven hundred one of this article.

4 § 7. Subdivision (a) of section 1134 of the tax law is amended by  
5 adding a new paragraph 6 to read as follows:

6 (6) An operator of a vacation rental, as defined in paragraph nine of  
7 subdivision (c) of section eleven hundred one of this article, is  
8 relieved of the requirement to register in paragraph one of this subdi-  
9 vision if its sales of occupancy are wholly facilitated by one or more  
10 vacation rental marketplace providers from whom the operator has  
11 received in good faith a certificate of collection that meets the  
12 requirements set forth in paragraph two of subdivision (m) of section  
13 eleven hundred thirty-two of this part.

14 § 8. Paragraph 4 of subdivision (a) of section 1136 of the tax law, as  
15 amended by section 5 of part G of chapter 59 of the laws of 2019, is  
16 amended to read as follows:

17 (4) The return of a vendor of tangible personal property or services  
18 shall show such vendor's receipts from sales and the number of gallons  
19 of any motor fuel or diesel motor fuel sold and also the aggregate value  
20 of tangible personal property and services and number of gallons of such  
21 fuels sold by the vendor, the use of which is subject to tax under this  
22 article, and the amount of tax payable thereon pursuant to the  
23 provisions of section eleven hundred thirty-seven of this part. The  
24 return of a recipient of amusement charges shall show all such charges  
25 and the amount of tax thereon, and the return of an operator required to  
26 collect tax on rents shall show all rents received or charged and the  
27 amount of tax thereon. The return of a marketplace seller shall exclude  
28 the receipts from a sale of tangible personal property facilitated by a

1 marketplace provider if, in regard to such sale: (A) the marketplace  
2 seller has timely received in good faith a properly completed certif-  
3 icate of collection from the marketplace provider or the marketplace  
4 provider has included a provision approved by the commissioner in the  
5 publicly-available agreement between the marketplace provider and the  
6 marketplace seller as described in subdivision one of section eleven  
7 hundred thirty-two of this part, and (B) the information provided by the  
8 marketplace seller to the marketplace provider about such tangible  
9 personal property is accurate. The return of an operator shall exclude  
10 the rent from occupancy of a vacation rental facilitated by a vacation  
11 rental marketplace provider if, in regard to such sale: (A) the vacation  
12 rental operator has timely received in good faith a properly completed  
13 certificate of collection from the vacation rental marketplace provider  
14 or the vacation rental marketplace provider has included a provision  
15 approved by the commissioner in the publicly-available agreement between  
16 the vacation rental marketplace provider and the operator as described  
17 in subdivision (m) of section eleven hundred thirty-two of this part,  
18 and (B) the information provided by the operator to the vacation rental  
19 marketplace provider about such rent and such occupancy is accurate.

20 § 9. Section 1142 of the tax law is amended by adding a new subdivi-  
21 sion 16 to read as follows:

22 16. To publish a list on the department's website of vacation rental  
23 marketplace providers whose certificates of authority have been revoked  
24 and, if necessary to protect sales tax revenue, provide by regulation or  
25 otherwise that a vacation rental operator will be relieved of the  
26 requirement to register and the duty to collect tax on the rent for  
27 occupancy of a vacation rental facilitated by a vacation rental market-  
28 place provider only if, in addition to the conditions prescribed by

1 paragraph two of subdivision (m) of section eleven hundred thirty-two  
2 and paragraph six of subdivision (a) of section eleven hundred thirty-  
3 four of this part being met, such vacation rental marketplace provider  
4 is not on such list at the commencement of the quarterly period covered  
5 thereby.

6 § 10. This act shall take effect immediately and shall apply to  
7 collections of rent by the operator or vacation rental marketplace  
8 provider on or after September 1, 2021.

9 PART J

10 Section 1. Sections 227, 306 and 406, subparagraph (ii) of paragraph b  
11 of subdivision 4 of section 1008 and paragraph b of subdivision 5 of  
12 section 1009 of the racing, pari-mutuel, wagering and breeding law are  
13 REPEALED.

14 § 2. Paragraph 1 of subdivision (f) of section 1105 of the tax law, as  
15 amended by chapter 32 of the laws of 2016, is amended to read as  
16 follows:

17 (1) Any admission charge where such admission charge is in excess of  
18 ten cents to or for the use of any place of amusement in the state,  
19 except charges for admission to [race tracks or] combative sports which  
20 charges are taxed under any other law of this state, or dramatic or  
21 musical arts performances, or live circus performances, or motion  
22 picture theaters, and except charges to a patron for admission to, or  
23 use of, facilities for sporting activities in which such patron is to be  
24 a participant, such as bowling alleys and swimming pools. For any person  
25 having the permanent use or possession of a box or seat or a lease or a  
26 license, other than a season ticket, for the use of a box or seat at a

1 place of amusement, the tax shall be upon the amount for which a similar  
2 box or seat is sold for each performance or exhibition at which the box  
3 or seat is used or reserved by the holder, licensee or lessee, and shall  
4 be paid by the holder, licensee or lessee.

5 § 3. Paragraph 1 of subdivision (a) of section 1210 of the tax law, as  
6 amended by section 2 of part WW, subparagraph (i) as separately amended  
7 by section 5 of part Z of chapter 60 of the laws of 2016, is amended to  
8 read as follows:

9 (1) Either, all of the taxes described in article twenty-eight of this  
10 chapter, at the same uniform rate, as to which taxes all provisions of  
11 the local laws, ordinances or resolutions imposing such taxes shall be  
12 identical, except as to rate and except as otherwise provided, with the  
13 corresponding provisions in such article twenty-eight, including the  
14 definition and exemption provisions of such article, so far as the  
15 provisions of such article twenty-eight can be made applicable to the  
16 taxes imposed by such city or county and with such limitations and  
17 special provisions as are set forth in this article. The taxes author-  
18 ized under this subdivision may not be imposed by a city or county  
19 unless the local law, ordinance or resolution imposes such taxes so as  
20 to include all portions and all types of receipts, charges or rents,  
21 subject to state tax under sections eleven hundred five and eleven  
22 hundred ten of this chapter, except as otherwise provided. Notwith-  
23 standing the foregoing, a tax imposed by a city or county authorized  
24 under this subdivision shall not include the tax imposed on charges for  
25 admission to race tracks and simulcast facilities under subdivision (f)  
26 of section eleven hundred five of this chapter. (i) Any local law, ordi-  
27 nance or resolution enacted by any city of less than one million or by  
28 any county or school district, imposing the taxes authorized by this

1 subdivision, shall, notwithstanding any provision of law to the contra-  
2 ry, exclude from the operation of such local taxes all sales of tangible  
3 personal property for use or consumption directly and predominantly in  
4 the production of tangible personal property, gas, electricity, refrigeration or steam, for sale, by manufacturing, processing, generating,  
5 assembly, refining, mining or extracting; and all sales of tangible  
6 personal property for use or consumption predominantly either in the  
7 production of tangible personal property, for sale, by farming or in a  
8 commercial horse boarding operation, or in both; and all sales of fuel  
9 sold for use in commercial aircraft and general aviation aircraft; and,  
10 unless such city, county or school district elects otherwise, shall omit  
11 the provision for credit or refund contained in clause six of subdivision  
12 sion (a) or subdivision (d) of section eleven hundred nineteen of this  
13 chapter. (ii) Any local law, ordinance or resolution enacted by any  
14 city, county or school district, imposing the taxes authorized by this  
15 subdivision, shall omit the residential solar energy systems equipment  
16 and electricity exemption provided for in subdivision (ee), the commercial solar energy systems equipment and electricity exemption provided  
17 for in subdivision (ii), the commercial fuel cell electricity generating  
18 systems equipment and electricity generated by such equipment exemption  
19 provided for in subdivision (kk) and the clothing and footwear exemption  
20 provided for in paragraph thirty of subdivision (a) of section eleven  
21 hundred fifteen of this chapter, unless such city, county or school  
22 district elects otherwise as to such residential solar energy systems  
23 equipment and electricity exemption, such commercial solar energy  
24 systems equipment and electricity exemption, commercial fuel cell electricity generating systems equipment and electricity generated by such  
25 equipment exemption or such clothing and footwear exemption.

1 § 4. Paragraph 1 of subdivision (b) of section 1210 of the tax law,  
2 as amended by section 3 of part WW of chapter 60 of the laws of 2016, is  
3 amended to read as follows:

4 (1) Or, one or more of the taxes described in subdivisions (b), (d),  
5 (e) and (f) of section eleven hundred five of this chapter, at the same  
6 uniform rate, including the transitional provisions in section eleven  
7 hundred six of this chapter covering such taxes, but not the taxes  
8 described in subdivisions (a) and (c) of section eleven hundred five of  
9 this chapter. Provided, further, that where the tax described in subdivi-  
10 sion (b) of section eleven hundred five of this chapter is imposed,  
11 the compensating use taxes described in clauses (E), (G) and (H) of  
12 subdivision (a) of section eleven hundred ten of this chapter shall also  
13 be imposed. Provided, further, that where the taxes described in subdivi-  
14 sion (b) of section eleven hundred five of this chapter are imposed,  
15 such taxes shall omit: (A) the provision for refund or credit contained  
16 in subdivision (d) of section eleven hundred nineteen of this chapter  
17 with respect to such taxes described in such subdivision (b) of section  
18 eleven hundred five unless such city or county elects to provide such  
19 provision or, if so elected, to repeal such provision; (B) the exemption  
20 provided in paragraph two of subdivision (ee) of section eleven hundred  
21 fifteen of this chapter unless such county or city elects otherwise; (C)  
22 the exemption provided in paragraph two of subdivision (ii) of section  
23 eleven hundred fifteen of this chapter, unless such county or city  
24 elects otherwise; and (D) the exemption provided in paragraph two of  
25 subdivision (kk) of section eleven hundred fifteen of this chapter,  
26 unless such county or city elects otherwise; and provided further that  
27 where the tax described in subdivision (f) of such section eleven

1 hundred five is imposed, such tax shall not apply to charges for admis-  
2 sion to race tracks and simulcast facilities.

3 § 5. Notwithstanding any provisions of law to the contrary and  
4 notwithstanding the repeal of sections 227, 306 and 406, subparagraph  
5 (ii) of paragraph b of subdivision 4 of section 1008 and paragraph b of  
6 subdivision 5 of section 1009 of the racing, pari-mutuel, wagering and  
7 breeding law by section one of this act, all provisions of such sections  
8 227, 306 and 406, subparagraph (ii) of paragraph b of subdivision 4 of  
9 section 1008 and paragraph b of subdivision 5 of section 1009, in  
10 respect to the imposition, exemption, assessment, payment, payment over,  
11 determination, collection, and credit or refund of tax, interest and  
12 penalty imposed thereunder, the filing of forms and returns, the preser-  
13 vation of records for the purposes of such tax, the disposition of  
14 revenues, and any civil and criminal penalties applicable to the  
15 violation of the provisions of such sections 227, 306 and 406, subpara-  
16 graph (ii) of paragraph b of subdivision 4 of section 1008 and paragraph  
17 b of subdivision 5 of section 1009, shall continue in full force and  
18 effect with respect to all such tax accrued for periods prior to the  
19 effective date of this act in the same manner as they might if such  
20 provisions were not repealed.

21 § 6. This act shall take effect September 1, 2021 and shall apply to  
22 charges for admissions to race tracks and simulcast facilities on and  
23 after such date.



1 Section 1. Subdivision (d) of section 1139 of the tax law, as amended  
2 by section 10 of subpart D of part VI of chapter 57 of the laws of 2009,  
3 is amended to read as follows:

4 (d) (1) Except in respect to an overpayment made on a return described  
5 in paragraph two of subdivision (a) of section eleven hundred thirty-six  
6 of this part [or on a return described in subdivision (c) of section  
7 eleven hundred thirty-seven-A of this part], interest shall be allowed  
8 and paid upon any refund made or credit allowed pursuant to this section  
9 except as otherwise provided in paragraph two or three of this subdivi-  
10 sion or subdivision (e) of this section and except that no interest  
11 shall be allowed or paid if the amount thereof would be less than one  
12 dollar. Such interest shall be at the overpayment rate set by the  
13 commissioner pursuant to section eleven hundred forty-two of this part,  
14 or if no rate is set, at the rate of six percent per annum from the date  
15 when the tax, penalty or interest refunded or credited was paid to a  
16 date preceding the date of the refund check by not more than thirty  
17 days, provided, however, that for the purposes of this subdivision any  
18 tax paid before the last day prescribed for its payment shall be deemed  
19 to have been paid on such last day. In the case of a refund or credit  
20 claimed on a return of tax which is filed after the last date prescribed  
21 for filing such return (determined with regard to extensions), or  
22 claimed on an application for refund or credit, no interest shall be  
23 allowed or paid for any day before the date on which the return or  
24 application is filed. For purposes of this subdivision, a return or  
25 application for refund or credit shall not be treated as filed until it  
26 is filed in processible form. A return or application is in a processi-  
27 ble form if it is filed on a permitted form, and contains the taxpayer's  
28 name, address and identifying number and the required signatures, and

1 sufficient required information (whether on the return or application or  
2 on required attachments) to permit the mathematical verification of tax  
3 liability shown on the return or refund or credit claimed on the appli-  
4 cation.

5 (2) If a refund is made or a credit is allowed in an amount less than  
6 one hundred thousand dollars (i) within three months after the last date  
7 prescribed or permitted by extension of time for filing a return on  
8 which the refund or credit was claimed or within three months after the  
9 return was filed, whichever is later, or (ii) within three months after  
10 an application for refund or credit is filed on which that refund or  
11 credit was claimed, or (iii) within three months after the last date  
12 prescribed or permitted by extension of time for filing an application  
13 for a refund or credit on which that refund or credit was claimed, no  
14 interest will be allowed or paid on that refund or credit.

15 (3) If a refund is made or a credit is allowed in an amount of one  
16 hundred thousand dollars or more (i) within six months after the last  
17 date prescribed or permitted by extension of time for filing a return on  
18 which the refund or credit was claimed or within six months after the  
19 return was filed, whichever is later, or (ii) within six months after an  
20 application for refund or credit is filed on which that refund or credit  
21 was claimed, or (iii) within six months after the last date prescribed  
22 or permitted by extension of time for filing an application for refund  
23 or credit on which that refund or credit was claimed, no interest will  
24 be allowed or paid on that refund or credit.

25 § 2. This act shall take effect immediately and shall apply to refund  
26 or credit claims submitted on or after March 1, 2022.

1 Section 1. Subparagraph (i) of the opening paragraph of section 1210  
2 of the tax law is REPEALED and a new subparagraph (i) is added to read  
3 as follows:

4 (i) with respect to a city of one million or more and the following  
5 counties: (1) any such city having a population of one million or more  
6 is hereby authorized and empowered to adopt and amend local laws, ordi-  
7 nances or resolutions imposing such taxes in any such city, at the rate  
8 of four and one-half percent;

9 (2) the following counties that impose taxes described in subdivision  
10 (a) of this section at the rate of three percent as authorized above in  
11 this paragraph are hereby further authorized and empowered to adopt and  
12 amend local laws, ordinances, or resolutions imposing such taxes at  
13 additional rates, in quarter percent increments, not to exceed the  
14 following rates, which rates are additional to the three percent rate  
15 authorized above in this paragraph:

16 (A) One percent - Albany, Broome, Cattaraugus, Cayuga, Chautauqua,  
17 Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess,  
18 Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Jefferson, Lewis,  
19 Livingston, Madison, Monroe, Montgomery, Niagara, Onondaga, Ontario,  
20 Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Rockland, St.  
21 Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben,  
22 Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne,  
23 Westchester, Wyoming, Yates;

24 (B) One and one-quarter percent - Herkimer, Nassau;

25 (C) One and one-half percent - Allegany;

26 (D) One and three-quarters percent - Erie, Oneida.

27 Provided, however, that (I) the county of Rockland may impose addi-  
28 tional rates of five-eighths percent and three-eighths percent, in lieu

1 of imposing such additional rate in quarter percent increments; (II) the  
2 county of Ontario may impose additional rates of one-eighth percent and  
3 three-eighths percent, in lieu of imposing such additional rate in quar-  
4 ter percent increments; (III) three-quarters percent of the additional  
5 rate authorized to be imposed by the county of Nassau shall be subject  
6 to the limitation set forth in section twelve hundred sixty-two-e of  
7 this article.

8 § 2. Subparagraph (ii) of the opening paragraph of section 1210 of the  
9 tax law is REPEALED and a new subparagraph (ii) is added to read as  
10 follows:

11 (ii) the following cities that impose taxes described in subdivision  
12 (a) of this section at the rate of one and one-half percent or higher as  
13 authorized above in this paragraph for such cities are hereby further  
14 authorized and empowered to adopt and amend local laws, ordinances, or  
15 resolutions imposing such taxes at additional rates, in quarter percent  
16 increments, not to exceed the following rates, which rates are addi-  
17 tional to the one and one-half percent or higher rates authorized above  
18 in this paragraph:

19 (1) One percent - Mount Vernon; New Rochelle; Oswego; White Plains;

20 (2) One and one quarter percent - None;

21 (3) One and one-half percent - Yonkers.

22 § 3. Subparagraphs (iii) and (iv) of the opening paragraph of section  
23 1210 of the tax law are REPEALED and a new subparagraph (iii) is added  
24 to read as follows:

25 (iii) the maximum rate referred to in section twelve hundred twenty-  
26 four of this article shall be calculated without reference to the addi-  
27 tional rates authorized for counties, other than the counties of Cayuga,

1 Cortland, Fulton, Madison, and Otsego, in clause two of subparagraph (i)  
2 and the cities in subparagraph (ii) of this paragraph.

3 § 4. Section 1210 of the tax law is amended by adding a new subdivi-  
4 sion (p) to read as follows:

5 (p) Notwithstanding any provision of this section or other law to the  
6 contrary, a county authorized to impose an additional rate or rates of  
7 sales and compensating use taxes by clause two of subparagraph (i) of  
8 the opening paragraph of this section, or a city, other than the city of  
9 Mount Vernon, authorized to impose an additional rate of such taxes by  
10 subparagraph (ii) of such opening paragraph, may adopt a local law,  
11 ordinance or resolution by a majority vote of its governing body impos-  
12 ing such rate or rates for a period not to exceed two years, and any  
13 such period must end on November thirtieth of an odd-numbered year.  
14 Notwithstanding the preceding sentence, the city of White Plains is  
15 authorized to exceed such two-year limitation to impose the tax author-  
16 ized by subparagraph (ii) of such opening paragraph for the period  
17 commencing on September first, two thousand twenty-one and ending on  
18 November thirtieth, two thousand twenty-three. Any such local law, ordi-  
19 nance, or resolution shall also be subject to the provisions of subdivi-  
20 sions (d) and (e) of this section.

21 § 5. Section 1210-E of the tax law is REPEALED.

22 § 6. Subdivisions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m),  
23 (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (z-1),  
24 (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), (ii) and (jj) of section  
25 1224 of the tax law are REPEALED.

26 § 7. Section 1224 of the tax law is amended by adding three new subdivi-  
27 sions (d), (e), and (f) to read as follows:

1 (d) For purposes of this section, the term "prior right" shall mean  
2 the preferential right to impose any tax described in sections twelve  
3 hundred two and twelve hundred three, or twelve hundred ten and twelve  
4 hundred eleven, of this article and thereby to preempt such tax and to  
5 preclude another municipal corporation from imposing or continuing the  
6 imposition of such tax to the extent that such right is exercised.  
7 However, the right of preemption shall only apply within the territorial  
8 limits of the taxing jurisdiction having the right of preemption.

9 (e) Each of the following counties and cities shall have the sole  
10 right to impose the following additional rate of sales and compensating  
11 use taxes in excess of three percent that such county or city is author-  
12 ized to impose pursuant to clause two of subparagraph (i) or subpara-  
13 graph (ii) of the opening paragraph of section twelve hundred ten of  
14 this article. Such additional rates of tax shall not be subject to  
15 preemption.

16 (1) Counties:

17 (A) One percent - Albany, Broome, Cattaraugus, Chautauqua, Chemung,  
18 Chenango, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Gene-  
19 see, Greene, Hamilton, Jefferson, Lewis, Livingston, Monroe, Montgomery,  
20 Niagara, Onondaga, Ontario, Orange, Orleans, Oswego, Putnam, Rensselaer,  
21 Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler,  
22 Seneca, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren,  
23 Washington, Wayne, Westchester, Wyoming, Yates;

24 (B) One and one-quarter percent - Herkimer, Nassau;

25 (C) One and one-half percent - Allegany;

26 (D) One and three-quarters percent - Erie, Oneida;

27 Provided, however that the county of Westchester shall have the sole  
28 right to impose the additional one percent rate of tax authorized by

1 clause two of subparagraph (i) of the opening paragraph of section  
2 twelve hundred ten of this article in the area of such county outside  
3 the cities of Mount Vernon, New Rochelle, White Plains and Yonkers.

4 (2) Cities:

5 (A) One-quarter of one percent - Rome;

6 (B) One-half of one percent - None;

7 (C) Three-quarters of one percent - None;

8 (D) One percent - Mount Vernon, New Rochelle, White Plains;

9 (E) One and one quarter percent - None;

10 (F) One and one-half percent - Yonkers.

11 (f) Each of the following cities is authorized to preempt the taxes  
12 imposed by the county in which it is located pursuant to the authority  
13 of section twelve hundred ten of this article, to the extent of one-half  
14 the maximum aggregate rate authorized under section twelve hundred ten  
15 of this article, including the additional rate that the county in which  
16 such city is located is authorized to impose: Auburn, in Cayuga county;  
17 Cortland, in Cortland county; Gloversville and Johnstown, in Fulton  
18 county; Oneida, in Madison county; Oneonta, in Otsego county. As of the  
19 date this subdivision takes effect, any such preemption by such a city  
20 in effect on such date shall continue in full force and effect until the  
21 effective date of a local law, ordinance, or resolution adopted or  
22 amended by the city to change such preemption. Any preemption by such a  
23 city pursuant to this subdivision that takes effect after the effective  
24 date of this subdivision shall be subject to the notice requirements in  
25 section twelve hundred twenty-three of this subpart and to the other  
26 requirements of this article.

1 § 8. Section 1262-g of the tax law, as amended by section 2 of item DD  
2 of subpart C of part XXX of chapter 58 of the laws of 2020, is amended  
3 to read as follows:

4 § 1262-g. Oneida county allocation and distribution of net collections  
5 from the additional [one percent rate] rates of sales and compensating  
6 use taxes. Notwithstanding any contrary provision of law, (a) if the  
7 county of Oneida imposes sales and compensating use taxes at a rate  
8 which is one percent additional to the three percent rate authorized by  
9 section twelve hundred ten of this article, as authorized by such  
10 section, [(a)] (i) where a city in such county imposes tax pursuant to  
11 the authority of subdivision (a) of such section twelve hundred ten,  
12 such county shall allocate, distribute and pay in cash quarterly to such  
13 city one-half of the net collections attributable to such additional one  
14 percent rate of the county's taxes collected in such city's boundaries;  
15 [(b)] (ii) where a city in such county does not impose tax pursuant to  
16 the authority of such subdivision (a) of such section twelve hundred  
17 ten, such county shall allocate, distribute and pay in cash quarterly to  
18 such city not so imposing tax a portion of the net collections attribut-  
19 able to one-half of the county's additional one percent rate of tax  
20 calculated on the basis of the ratio which such city's population bears  
21 to the county's total population, such populations as determined in  
22 accordance with the latest decennial federal census or special popu-  
23 lation census taken pursuant to section twenty of the general municipal  
24 law completed and published prior to the end of the quarter for which  
25 the allocation is made, which special census must include the entire  
26 area of the county; [and (c)] provided, however, that such county shall  
27 dedicate the first one million five hundred thousand dollars of net  
28 collections attributable to such additional one percent rate of tax



1 received by such county after the county receives in the aggregate eigh-  
2 teen million five hundred thousand dollars of net collections from such  
3 additional one percent rate of tax [imposed for any of the periods:  
4 September first, two thousand twelve through August thirty-first, two  
5 thousand thirteen; September first, two thousand thirteen through August  
6 thirty-first, two thousand fourteen; and September first, two thousand  
7 fourteen through August thirty-first, two thousand fifteen; September  
8 first, two thousand fifteen through August thirty-first, two thousand  
9 sixteen; and September first, two thousand sixteen through August thir-  
10 ty-first, two thousand seventeen; September first, two thousand seven-  
11 teen through August thirty-first, two thousand eighteen; September  
12 first, two thousand eighteen through August thirty-first, two thousand  
13 twenty; and September first, two thousand twenty through August thirty-  
14 first, two thousand twenty-three,] to an allocation on a per capita  
15 basis, utilizing figures from the latest decennial federal census or  
16 special population census taken pursuant to section twenty of the gener-  
17 al municipal law, completed and published prior to the end of the year  
18 for which such allocation is made, which special census must include the  
19 entire area of such county, to be allocated and distributed among the  
20 towns of Oneida county by appropriation of its board of legislators;  
21 provided, further, that nothing herein shall require such board of  
22 legislators to make any such appropriation until it has been notified by  
23 any town by appropriate resolution and, in any case where there is a  
24 village wholly or partly located within a town, a resolution of every  
25 such village, embodying the agreement of such town and village or  
26 villages upon the amount of such appropriation to be distributed to such  
27 village or villages out of the allocation to the town or towns in which  
28 it is located.

1 (b) if the county of Oneida imposes sales and compensating use taxes  
2 at a rate which is one and three-quarters percent additional to the  
3 three percent rate authorized by section twelve hundred ten of this  
4 article, as authorized pursuant to clause two of subparagraph (i) of the  
5 opening paragraph of section twelve hundred ten of this article, net  
6 collections attributable to the additional three-quarters percent of  
7 such additional rate shall not be subject to any revenue distribution  
8 agreement entered into by the county and the cities in the county pursu-  
9 ant to the authority of subdivision (c) of section twelve hundred  
10 sixty-two of this part.

11 § 9. The opening paragraph of section 1262-r of the tax law, as added  
12 by chapter 37 of the laws of 2006, is amended to read as follows:

13 (1) Notwithstanding any contrary provision of law, if the county of  
14 Ontario imposes the additional one-eighth of one percent and the addi-  
15 tional three-eighths of one percent rates of tax authorized pursuant to  
16 clause two of subparagraph (i) of the opening paragraph of section  
17 twelve hundred ten of this article, net collections from the such addi-  
18 tional three-eighths of one percent rate of such taxes shall be set  
19 aside for county purposes and shall not be subject to any agreement  
20 entered into by the county and the cities in the county pursuant to the  
21 authority of subdivision (c) of section twelve hundred sixty-two of this  
22 part or this section.

23 (2) Notwithstanding the provisions of subdivision (c) of section  
24 twelve hundred sixty-two of this part to the contrary, if the cities of  
25 Canandaigua and Geneva in the county of Ontario do not impose sales and  
26 compensating use taxes pursuant to the authority of section twelve  
27 hundred ten of this article and such cities and county enter into an  
28 agreement pursuant to the authority of subdivision (c) of section twelve

1 hundred sixty-two of this part to be effective March first, two thousand  
2 six, such agreement may provide that:

3 § 10. The tax law is amended by adding a new section 1262-v to read as  
4 follows:

5 § 1262-v. Disposition of net collections from the additional rate of  
6 sales and compensating use tax in Clinton county. Notwithstanding any  
7 contrary provision of law, if the county of Clinton imposes the addi-  
8 tional one percent rate of sales and compensating use taxes authorized  
9 pursuant to clause two of subparagraph (i) of the opening paragraph of  
10 section twelve hundred ten of this article, net collections from such  
11 additional rate shall be paid to the county and the county shall set  
12 aside such net collections and use them solely for county purposes. Such  
13 net collections shall not be subject to any revenue distribution agree-  
14 ment entered into by the county and the city in the county pursuant to  
15 the authority of subdivision (c) of section twelve hundred sixty-two of  
16 this part.

17 § 11. Section 1262-s of the tax law, as amended by section 3 of item U  
18 of subpart C of part XXX of chapter 58 of the laws of 2020, is amended  
19 to read as follows:

20 § 1262-s. Disposition of net collections from the additional one-quar-  
21 ter of one percent rate of sales and compensating use taxes in the coun-  
22 ty of Herkimer. Notwithstanding any contrary provision of law, if the  
23 county of Herkimer imposes [the additional] sales and compensating use  
24 tax at a rate that is one and one-quarter [of one] percent [rate of  
25 sales and compensating use taxes] additional to the three percent rate  
26 authorized by section twelve hundred ten of this article, as authorized  
27 by [section twelve hundred ten-E] clause two of subparagraph (i) of the  
28 opening paragraph of section twelve hundred ten of this article [for all

1 or any portion of the period beginning December first, two thousand  
2 seven and ending November thirtieth, two thousand twenty-three], the  
3 county shall use all net collections [from such] attributable to the  
4 additional one-quarter [of one] percent of such additional rate to pay  
5 the county's expenses for the construction of additional correctional  
6 facilities. The net collections from [the] such additional one-quarter  
7 percent of such additional rate [imposed pursuant to section twelve  
8 hundred ten-E of this article] shall be deposited in a special fund to  
9 be created by such county separate and apart from any other funds and  
10 accounts of the county. Any and all remaining net collections from such  
11 additional tax, after the expenses of such construction are paid, shall  
12 be deposited by the county of Herkimer in the general fund of such coun-  
13 ty for any county purpose.

14 § 12. The tax law is amended by adding a new section 1265 to read as  
15 follows:

16 § 1265. References to certain provisions authorizing additional rates  
17 or to expirations of a period. Notwithstanding any provision of law to  
18 the contrary: (a) any reference in any section of this chapter or other  
19 law, or in any local law, ordinance, or resolution adopted pursuant to  
20 the authority of this article, to net collections or revenues from a tax  
21 imposed by a county or city pursuant to the authority of a clause, or to  
22 a subclause of a clause, of subparagraph (i) or (ii) of the opening  
23 paragraph of section twelve hundred ten of this article repealed by  
24 section one or two of the chapter of the laws of two thousand twenty-one  
25 that added this section or pursuant to section twelve hundred ten-E of  
26 this article repealed by section five of such chapter shall be deemed to  
27 be a reference to net collections or revenues from a tax imposed by that  
28 county or city pursuant to the authority of the equivalent provision of

1 clause two of subparagraph (i) or to subparagraph (ii) of the opening  
2 paragraph of such section twelve hundred ten as added by such section  
3 one or two of such chapter of the laws of two thousand twenty-one; (b)  
4 any reference in this chapter or in any other law relating to the expi-  
5 ration of a provision concerning the distribution of revenue from the  
6 taxes authorized to be imposed by the opening paragraph of section  
7 twelve hundred ten of this article shall be disregarded, and such  
8 provision shall continue in effect unless later amended or repealed.

9 § 13. This act shall take effect immediately.

10

PART M

11 Section 1. Subdivision (jj) of section 1115 of the tax law, as amended  
12 by section 1 of part V of chapter 59 of the laws of 2019, is amended to  
13 read as follows:

14 (jj) Tangible personal property or services otherwise taxable under  
15 this article sold to a related person shall not be subject to the taxes  
16 imposed by section eleven hundred five of this article or the compensat-  
17 ing use tax imposed under section eleven hundred ten of this article  
18 where the purchaser can show that the following conditions have been met  
19 to the extent they are applicable: (1) (i) the vendor and the purchaser  
20 are referenced as either a "covered company" as described in section  
21 243.2(f) or a "material entity" as described in section 243.2(1) of the  
22 Code of Federal Regulations in a resolution plan that has been submitted  
23 to an agency of the United States for the purpose of satisfying subpara-  
24 graph 1 of paragraph (d) of section one hundred sixty-five of the Dodd-  
25 Frank Wall Street Reform and Consumer Protection Act (the "Act") or any  
26 successor law, or (ii) the vendor and the purchaser are separate legal

1 entities pursuant to a divestiture directed pursuant to subparagraph 5  
2 of paragraph (d) of section one hundred sixty-five of such act or any  
3 successor law; (2) the sale would not have occurred between such related  
4 entities were it not for such resolution plan or divestiture; and (3) in  
5 acquiring such property or services, the vendor did not claim an  
6 exemption from the tax imposed by this state or another state based on  
7 the vendor's intent to resell such services or property. A person is  
8 related to another person for purposes of this subdivision if the person  
9 bears a relationship to such person described in section two hundred  
10 sixty-seven of the internal revenue code. The exemption provided by this  
11 subdivision shall not apply to sales made, services rendered, or uses  
12 occurring after June thirtieth, two thousand [twenty-one] twenty-four,  
13 except with respect to sales made, services rendered, or uses occurring  
14 pursuant to binding contracts entered into on or before such date; but  
15 in no case shall such exemption apply after June thirtieth, two thousand  
16 [twenty-four] twenty-seven.

17 § 2. This act shall take effect immediately.

18 PART N

19 Section 1. Subparagraph (vi) of paragraph 1 of subdivision (a) of  
20 section 1134 of the tax law, as amended by section 160 of part A of  
21 chapter 389 of the laws of 1997, is amended to read as follows:

22 (vi) every person described in subparagraph (i), (ii), (iii), (iv) or  
23 (v) of this paragraph or every person who is a vendor solely by reason  
24 of clause (D), (E) or (F) of subparagraph (i) of paragraph eight of  
25 subdivision (b) of section eleven hundred one of this article who or  
26 which has had its certificate of authority revoked under paragraph four

1 of this subdivision, shall file with the commissioner a certificate of  
2 registration, in a form prescribed by the commissioner, at least twenty  
3 days prior to commencing business or opening a new place of business or  
4 such purchasing, selling or taking of possession or payment, whichever  
5 comes first. Every person who is a vendor solely by reason of clause (D)  
6 of subparagraph (i) of paragraph eight of subdivision (b) of section  
7 eleven hundred one of this article shall file with the commissioner a  
8 certificate of registration, in a form prescribed by such commissioner,  
9 within thirty days after the day on which the cumulative total number of  
10 occasions that such person came into the state to deliver property or  
11 services, for the immediately preceding four quarterly periods ending on  
12 the last day of February, May, August and November, exceeds twelve.  
13 Every person who is a vendor solely by reason of clause (E) of subpara-  
14 graph (i) of paragraph eight of subdivision (b) of section eleven  
15 hundred one of this article shall file with the commissioner a certif-  
16 icate of registration, in a form prescribed by such commissioner, within  
17 thirty days after the day on which the cumulative total, for the imme-  
18 diately preceding four quarterly periods ending on the last day of  
19 February, May, August and November, of such person's gross receipts from  
20 sales of property delivered in this state exceeds [three] five hundred  
21 thousand dollars and number of such sales exceeds one hundred. Every  
22 person who is a vendor solely by reason of clause (F) of subparagraph  
23 (i) of paragraph eight of subdivision (b) of section eleven hundred one  
24 of this article shall file with the commissioner a certificate of regis-  
25 tration, in a form prescribed by such commissioner, within thirty days  
26 after the day on which tangible personal property in which such person  
27 retains an ownership interest is brought into this state by the person  
28 to whom such property is sold, where the person to whom such property is

1 sold becomes or is a resident or uses such property in any manner in  
2 carrying on in this state any employment, trade, business or profession.  
3 Information with respect to the notice requirements of a purchaser,  
4 transferee or assignee and such person's liability pursuant to the  
5 provisions of subdivision (c) of section eleven hundred forty-one of  
6 this chapter shall be included in or accompany the certificate of regis-  
7 tration form furnished the applicant. The commissioner shall also  
8 include with such information furnished to each applicant general infor-  
9 mation about the tax imposed under this article including information on  
10 records to be kept, returns and payments, notification requirements and  
11 forms. Such certificate of registration may be amended in accordance  
12 with rules promulgated by the commissioner.

13 § 2. This act shall take effect immediately.

14 PART O

15 Section 1. Subdivision (a) of section 1401 of the tax law, as amended  
16 by chapter 576 of the laws of 1994, is amended to read as follows:

17 (a) (1) "Person" means an individual, partnership, limited liability  
18 company, society, association, joint stock company, corporation, estate,  
19 receiver, trustee, assignee, referee or any other person acting in a  
20 fiduciary or representative capacity, whether appointed by a court or  
21 otherwise, any combination of individuals, and any other form of unin-  
22 corporated enterprise owned or conducted by two or more persons.

23 (2) "Person" shall include any individual, corporation, partnership or  
24 limited liability company or an officer or employee of any corporation  
25 (including a dissolved corporation), or a member or employee of any  
26 partnership, or a member, manager or employee of a limited liability



1 company, who as such officer, employee, manager or member is under a  
2 duty to act for such corporation, partnership, limited liability company  
3 or individual proprietorship in complying with any requirement of this  
4 article, or has so acted.

5 § 2. Subdivision (a) of section 1404 of the tax law, as amended by  
6 chapter 61 of the laws of 1989, is amended to read as follows:

7 (a) The real estate transfer tax imposed pursuant to section fourteen  
8 hundred two of this article shall be paid by the grantor and such tax  
9 shall not be payable, directly or indirectly, by the grantee except as  
10 otherwise provided in this section. If the grantor has failed to pay  
11 the tax imposed by this article at the time required by section fourteen  
12 hundred ten of this article or if the grantor is exempt from such tax,  
13 the grantee shall have the duty to pay the tax. Where the grantee has  
14 the duty to pay the tax because the grantor has failed to pay, such tax  
15 shall be the joint and several liability of the grantor and the grantee;  
16 provided that in the event of such failure, the grantee shall have a  
17 cause of action against the grantor for recovery of payment of such tax  
18 by the grantee.

19 § 3. Subdivision (a) of section 1409 of the tax law, as amended by  
20 chapter 297 of the laws of 2019, is amended to read as follows:

21 (a) (1) A joint return shall be filed by both the grantor and the  
22 grantee for each conveyance whether or not a tax is due thereon other  
23 than a conveyance of an easement or license to a public utility as  
24 defined in subdivision two of section one hundred eighty-six-a of this  
25 chapter or to a public utility which is a provider of telecommunication  
26 services as defined in subdivision one of section one hundred eighty-  
27 six-e of this chapter, where the consideration is two dollars or less

1 and is clearly stated as actual consideration in the instrument of  
2 conveyance.

3 (2) When the grantor or grantee of a deed for a building used as resi-  
4 dential real property containing [one- to four-] up to four family  
5 dwelling units is a limited liability company, the joint return shall  
6 not be accepted for filing unless it is accompanied by a document which  
7 identifies the names and business addresses of all members, managers,  
8 and any other authorized persons, if any, of such limited liability  
9 company and the names and business addresses or, if none, the business  
10 addresses of all shareholders, directors, officers, members, managers  
11 and partners of any limited liability company or other business entity  
12 that are to be the members, managers or authorized persons, if any, of  
13 such limited liability company. The identification of such names and  
14 addresses shall not be deemed an unwarranted invasion of personal priva-  
15 cy pursuant to article six of the public officers law. If any such  
16 member, manager or authorized person of the limited liability company is  
17 itself a limited liability company or other business entity other than a  
18 publicly traded entity, a REIT, a UPREIT, or a mutual fund, the names  
19 and addresses of the shareholders, directors, officers, members, manag-  
20 ers and partners of the limited liability company or other business  
21 entity shall also be disclosed until full disclosure of ultimate owner-  
22 ship by natural persons is achieved. For purposes of this subdivision,  
23 the terms "members", "managers", "authorized person", "limited liability  
24 company" and "other business entity" shall have the same meaning as  
25 those terms are defined in section one hundred two of the limited  
26 liability company law.

27 (3) The return shall be filed with the recording officer before the  
28 instrument effecting the conveyance may be recorded. However, if the tax

1 is paid to the commissioner pursuant to section fourteen hundred ten of  
2 this article, the return shall be filed with such commissioner at the  
3 time the tax is paid. In that instance, a receipt evidencing the filing  
4 of the return and the payment of tax shall be filed with the recording  
5 officer before the instrument effecting the conveyance may be recorded.  
6 The recording officer shall handle such receipt in the same manner as a  
7 return filed with the recording officer.

8 § 4. Subdivision (h) of section 1418 of the tax law, as added by  
9 section 7 of part X of chapter 56 of the laws of 2010 and as further  
10 amended by subdivision (c) of section 1 of part W of chapter 56 of the  
11 laws of 2010, is amended to read as follows:

12 (h) Notwithstanding the provisions of subdivision (a) of this section,  
13 the commissioner may furnish information relating to real property  
14 transfers obtained or derived from returns filed pursuant to this arti-  
15 cle in relation to the real estate transfer tax, to the extent that such  
16 information is also required to be reported to the commissioner by  
17 section three hundred thirty-three of the real property law and section  
18 five hundred seventy-four of the real property tax law and the rules  
19 adopted thereunder, provided such information was collected through a  
20 combined process established pursuant to an agreement entered into with  
21 the commissioner pursuant to paragraph viii of subdivision one-e of  
22 section three hundred thirty-three of the real property law. The commis-  
23 sioner may redisclose such information to the extent authorized by  
24 section five hundred seventy-four of the real property tax law. The  
25 commissioner may also disclose any information reported pursuant to  
26 paragraph two of subdivision (a) of section fourteen hundred nine of  
27 this article.

1 § 5. This act shall take effect immediately; provided however that  
2 sections one and two of this act shall take effect July 1, 2021, and  
3 shall apply to conveyances occurring on or after such date other than  
4 conveyances that are made pursuant to binding written contracts entered  
5 into on or before April 1, 2021, provided that the date of execution of  
6 such contract is confirmed by independent evidence, such as the record-  
7 ing of the contract, payment of a deposit or other facts and circum-  
8 stances as determined by the commissioner of taxation and finance.

9 PART P

10 Section 1. Section 480-a of the tax law is amended by adding a new  
11 subdivision 6 to read as follows:

12 6. (a) No retail dealer who has its retail dealer registration  
13 cancelled, suspended or revoked pursuant to this section or has been  
14 forbidden from selling cigarettes or tobacco products pursuant to para-  
15 graph (j) of subdivision one of section four hundred eighty of this  
16 article shall possess cigarettes or tobacco products in any place of  
17 business, cart, stand, truck or other merchandising device in this state  
18 beginning on the tenth day after such cancellation, suspension, revoca-  
19 tion, or forbiddance and continuing for the duration of the same;  
20 provided however, such retail dealer shall not be prohibited before the  
21 tenth day after such cancellation, suspension, revocation, or forbid-  
22 dance from selling or transferring its inventory of lawfully stamped  
23 cigarettes or tobacco products on which the taxes imposed by this arti-  
24 cle have been assumed or paid to a properly registered retail dealer  
25 whose registration is not cancelled, suspended, or revoked or who has  
26 not been forbidden from selling cigarettes or tobacco products.

1 (b) No retail dealer shall possess cigarettes or tobacco products in  
2 any place of business, cart, stand, truck or other merchandising device  
3 in this state unless it has obtained a valid retail dealer registration  
4 from the commissioner.

5 (c) The possession of cigarettes or tobacco products in violation of  
6 paragraph (a) or (b) of this subdivision shall be presumptive evidence  
7 that such cigarettes or tobacco products are being sold in violation of  
8 this section and section four hundred eighty of this article and, in  
9 addition to any other applicable penalties, shall be subject to the  
10 penalties authorized by subdivision three of this section.

11 § 2. Any retail dealer who, prior to the effective date of this act,  
12 had its retail dealer registration cancelled, suspended, or revoked  
13 pursuant to section four hundred eighty-a of the tax law or was forbid-  
14 den from selling cigarettes or tobacco products pursuant to paragraph  
15 (j) of subdivision one of section four hundred eighty of the tax law and  
16 such cancellation, suspension, revocation, or forbiddance remains in  
17 effect as of the effective date of this act, shall be prohibited from  
18 possessing cigarettes and tobacco products beginning on the tenth day  
19 after the effective date of this act and continuing for as long as such  
20 cancellation, suspension, revocation, or forbiddance shall remain in  
21 effect; provided however, such retail dealer shall not be prohibited  
22 before the tenth day after the effective date of this act from selling  
23 or transferring its inventory of lawfully stamped cigarettes or tobacco  
24 products on which the taxes imposed by this article have been assumed or  
25 paid to a properly registered retail dealer whose registration is not  
26 cancelled, suspended, or revoked or who has not been forbidden from  
27 selling cigarettes or tobacco products.

28 § 3. This act shall take effect immediately.

1

## PART Q

2 Section 1. Subdivision 1 of section 429 of the tax law, as amended by  
3 chapter 433 of the laws of 1978, is amended to read as follows:

4 1. Every distributor, noncommercial importer or other person shall, on  
5 or before the twentieth day of each month, file with the department of  
6 taxation and finance a return, on forms to be prescribed by the [tax  
7 commission] commissioner and furnished by such department, stating sepa-  
8 rately the number of gallons, or lesser quantity, of beers, and the  
9 number of liters, or lesser quantity, of wines and liquors sold or used  
10 by such distributor, noncommercial importer or other person in this  
11 state during the preceding calendar month, except that the [tax commis-  
12 sion] commissioner may, if [it] he or she deems it necessary [in order]  
13 to [insure] facilitate the efficient reporting and payment of the tax  
14 imposed by this article, require returns to be made at such times and  
15 covering such periods as [it] he or she may deem necessary. Such return  
16 shall contain such further information as the [tax commission] commis-  
17 sioner shall require. The fact that the name of the distributor, noncom-  
18 mercial importer or other person is signed to a filed return shall be  
19 prima facie evidence for all purposes that the return was actually  
20 signed by such distributor, noncommercial importer or other person.

21 § 2. Section 505 of the tax law, as amended by section 2 of part E of  
22 chapter 60 of the laws of 2007, is amended to read as follows:

23 § 505. Returns. Every carrier subject to this article and every carri-  
24 er to whom a certificate of registration was issued shall file on or  
25 before the last day of each month a return for the preceding calendar  
26 month where a carrier's total tax liability under this article for the  
27 preceding calendar year exceeded [four] twelve thousand dollars. Where a

1 carrier's total tax liability under this article for the preceding  
2 calendar year did not exceed [four] twelve thousand dollars or where a  
3 carrier was not subject to such tax in the preceding calendar year,  
4 returns shall be filed quarterly, on or before the last day of the  
5 calendar month following each of the calendar quarters: January through  
6 March, April through June, July through September and October through  
7 December. Provided, however, if the commissioner consents thereto in  
8 writing, any carrier may file a return on or before the thirtieth day  
9 after the close of any different period, if the carrier's books are  
10 regularly kept on a periodic basis other than a calendar month or quar-  
11 ter. The commissioner may permit the filing of returns on an annual  
12 basis, provided the carrier was subject to the tax under this article  
13 during the entire preceding calendar year and the carrier's total tax  
14 liability under this article for such year did not exceed [two hundred  
15 fifty] twelve hundred dollars. Such annual returns shall be filed on or  
16 before January thirty-first of the succeeding calendar year. Returns  
17 shall be filed with the commissioner on forms to be furnished by such  
18 commissioner for such purpose and shall contain such data, information  
19 or matter as the commissioner may require to be included therein. The  
20 fact that a carrier's name is signed to a filed return shall be prima  
21 facie evidence for all purposes that the return was actually signed by  
22 such carrier. The commissioner may grant a reasonable extension of time  
23 for filing returns whenever good cause exists and may waive the filing  
24 of returns if a carrier is not subject to the tax imposed by this arti-  
25 cle for the period covered by the return. Every return shall have  
26 annexed thereto a certification to the effect that the statements  
27 contained therein are true.

1 § 3. This act shall take effect immediately; provided, however, that  
2 section two of this act shall apply to tax returns required to be filed  
3 on or after January 1, 2022.

4 PART R

5 Section 1. Section 1280 of the tax law is amended by adding a new  
6 subdivision (v) to read as follows:

7 (v) "Technology service provider" or "TSP" means a person that acts by  
8 employment, contract or otherwise on behalf of one or more taxicab  
9 owners or HAIL vehicle owners to collect the trip record for a taxicab  
10 trip or HAIL vehicle trip.

11 § 2. Subdivision (b) of section 1283 of the tax law, as amended by  
12 chapter 9 of the laws of 2012, is amended to read as follows:

13 (b) (1) If the taxicab owner has designated an agent, then the agent  
14 shall be jointly liable with the taxicab owner for the tax on trips  
15 occurring during the period that such designation is in effect. Even if  
16 the TLC has specified that the taxicab owner's agent cannot operate as  
17 an agent, that agent shall be jointly liable with the taxicab owner if  
18 the agent has acted for the taxicab owner. During the period that a  
19 taxicab owner's designation of an agent is in effect, the agent shall  
20 file the returns required by this article and pay any tax due with such  
21 return, but the taxicab owner shall not be relieved of liability for  
22 tax, penalty or interest due under this article, or for the filing of  
23 returns required to be filed, unless the agent has timely filed accurate  
24 returns and timely paid the tax required to be paid under this article.  
25 If a taxicab owner has designated an agent, then the agent must perform  
26 any act this article requires the taxicab owner to perform, but the



1 failure of such agent to perform any such act shall not relieve the  
2 taxicab owner from the obligation to perform such act or from any  
3 liability that may arise from failure to perform the act.

4 (2) (A) Notwithstanding the foregoing, a TSP that collects the trip  
5 record and the trip fare on behalf of a taxicab owner or a HAIL vehicle  
6 owner shall be jointly liable with the taxicab owner or HAIL vehicle  
7 owner for the tax due on such trips. For any period that the TSP  
8 collects trip records on behalf of a taxicab owner or HAIL vehicle  
9 owner, the TSP shall file returns reporting all trip records and, after  
10 retaining any fees to which it is entitled pursuant to a contract with  
11 such taxicab owner or HAIL vehicle owner, shall remit the taxes due on  
12 all fares collected by the TSP.

13 (B) The TSP, after retaining the fees described in subparagraph (A) of  
14 this paragraph, shall also remit the taxes due on any taxicab trip or  
15 HAIL vehicle trip for which it maintained the trip record but did not  
16 collect the fare, from any fares it collected on behalf of any such  
17 taxicab owner or HAIL vehicle owner, before it releases any proceeds to  
18 the taxicab owner or HAIL vehicle owner. If the TSP fails to comply  
19 with the requirements of this subparagraph, such TSP shall be liable for  
20 the taxes due on such trips up to the amount it released to the taxicab  
21 owner or HAIL vehicle owner, or any person on behalf of such taxicab  
22 owner or HAIL vehicle owner. However, the taxicab owner, HAIL vehicle  
23 owner or their agents shall not be relieved of any liability for the  
24 tax, penalty or interest due under this article, or for filing of  
25 returns required to be filed, unless the TSP has timely filed accurate  
26 returns and timely paid the tax required to be paid under this article.

1 § 3. Subdivision (a) of section 1299-B of the tax law, as added by  
2 section 2 of part NNN of chapter 59 of the laws of 2018, is amended to  
3 read as follows:

4 (a) Notwithstanding any provision of law to the contrary, any person  
5 that dispatches a motor vehicle by any means that provides transporta-  
6 tion that is subject to a surcharge imposed by this article, including  
7 transportation network companies as defined in article forty-four-B of  
8 the vehicle and traffic law, shall be liable for the surcharge imposed  
9 by this article, except that in the case of taxicab trips and HAIL vehi-  
10 cle trips that are also subject to tax pursuant to article twenty-nine-A  
11 of this chapter[, only the taxicab owner or HAIL base liable for that  
12 tax shall be the person liable for the surcharge imposed by this arti-  
13 cle]: (1) the TSP shall be liable for the surcharge imposed by this  
14 article for all trips for which the TSP collected the trip record and  
15 the surcharge, and shall be responsible for filing returns; and, after  
16 retaining any fees to which it is entitled pursuant to a contract with  
17 such taxicab owner or HAIL vehicle owner, shall remit the surcharges on  
18 such trips to the department.

19 (2) the TSP, after retaining the fees described in paragraph one of  
20 this subdivision, shall also remit the surcharges due on any taxicab  
21 trip or HAIL vehicle trip for which it maintained the trip record but  
22 did not collect the fare, from any fares it collected on behalf of any  
23 such taxicab owner or HAIL vehicle owner, before it releases any  
24 proceeds to the taxicab owner or HAIL vehicle owner. Whenever the TSP  
25 fails to comply with the requirements of the preceding sentence, the TSP  
26 shall be liable for the surcharges due on such trips up to the amount it  
27 released to the taxicab owner or HAIL vehicle owner, or any person on  
28 behalf of such taxicab owner or HAIL vehicle owner. However, the taxi-

1 cab owner or HAIL base shall be jointly and severally liable with the  
2 TSP for such surcharges. For purposes of this section, the terms "taxi-  
3 cab trips," "HAIL vehicle trips," "taxicab owner," [and] "HAIL base",  
4 and "TSP" shall have the same meaning as they do in section twelve  
5 hundred eighty of this chapter.

6 § 4. Section 1299-F of the tax law is amended by adding a new subdivi-  
7 sion (e) to read as follows:

8 (e) Notwithstanding the provisions of subdivision (a) of this section,  
9 the commissioner may, in his or her discretion, permit the proper offi-  
10 cer of the taxi and limousine commission of the city of New York (TLC)  
11 or the duly authorized representative of such officer, to inspect any  
12 return filed under this article, or may furnish to such officer or such  
13 officer's authorized representative an abstract of any such return or  
14 supply such person with information concerning an item contained in any  
15 such return, or disclosed by any investigation of tax liability under  
16 this article; but such permission shall be granted or such information  
17 furnished only if the TLC shall have furnished the commissioner with all  
18 information requested by the commissioner pursuant to this article and  
19 shall have permitted the commissioner or the commissioner's authorized  
20 representative to make any inspection of any records or reports concern-  
21 ing for-hire transportation trips subject to the surcharge imposed by  
22 this article, and any persons required to collect such surcharge, filed  
23 with or possessed by the TLC that the commissioner may have requested  
24 from the TLC. Provided, further, that the commissioner may disclose to  
25 the TLC whether or not a person liable for the surcharge imposed by this  
26 article has paid all of the surcharges due under this article as of any  
27 given date.

1 § 5. This act shall take effect immediately and shall apply to trips  
2 occurring on or after July 1, 2021.

3 PART S

4 Section 1. Paragraph 1 of subdivision (g) of section 32 of the tax  
5 law, as added by section 2 of part VV of chapter 59 of the laws of 2009,  
6 is amended to read as follows:

7 (1) If a tax return preparer or facilitator is required to register or  
8 re-register with the department pursuant to paragraph one or three of  
9 subdivision (b) of this section, as applicable, and fails to do so in  
10 accordance with the terms of this section, then the tax return preparer  
11 [of] or facilitator must pay a penalty of [two] five hundred [fifty]  
12 dollars for the first day of non-compliance and two hundred dollars for  
13 each subsequent day of non-compliance thereafter. The maximum penalty  
14 that may be imposed under this paragraph on any tax return preparer or  
15 facilitator during any calendar year must not exceed ten thousand  
16 dollars. [Provided, however, that if the tax return preparer or facili-  
17 tator complies with the registration requirements of this section within  
18 ninety calendar days after notification of assessment of this penalty is  
19 sent by the department, then this penalty must be abated. If the tax  
20 return preparer or facilitator continues to fail to register or re-re-  
21 gister after the ninety calendar day period, the tax return preparer or  
22 facilitator must pay an additional penalty of five hundred dollars if  
23 the failure is for not more than one month, with an additional five  
24 hundred dollars for each additional month or fraction thereof during  
25 which the failure continues. Once the ninety calendar days specified in

1 this paragraph have expired, the] The penalty can be waived only for  
2 good cause shown by the tax return preparer or facilitator.

3 § 2. Paragraph 2 of subdivision (g) of section 32 of the tax law, as  
4 added by section 2 of part VV of chapter 59 of the laws of 2009, is  
5 amended to read as follows:

6 (2) If a commercial tax return preparer fails to pay the fee as  
7 required in paragraph one of subdivision (c) of this section, for a  
8 calendar year, then the commercial tax return preparer must pay a penal-  
9 ty of fifty dollars for each return the commercial tax return preparer  
10 has filed with the department in that calendar year. [Provided however,  
11 that if the commercial tax return preparer complies with the payment  
12 requirements of paragraph one of subdivision (c) of this section, within  
13 ninety calendar days after notification of the assessment of this penal-  
14 ty is sent by the department, then this penalty must be abated.] The  
15 maximum penalty that may be imposed under this paragraph on any commer-  
16 cial tax return preparer during any calendar year must not exceed [five]  
17 ten thousand dollars. [Once the ninety calendar days specified in this  
18 paragraph have expired, the] The penalty can be waived only for good  
19 cause shown by the commercial tax return preparer.

20 § 3. Section 32 of the tax law is amended by adding a new subdivision  
21 (h) to read as follows:

22 (h) (1) Tax return preparers and facilitators must prominently and  
23 conspicuously display a copy of their registration certificate issued  
24 pursuant to this section, for the current registration period, at their  
25 place of business and at any other location where they provide tax  
26 return preparation and/or facilitation services, in an area where  
27 taxpayers using their services are able to see and review such registra-  
28 tion certificate.

1 (2) Tax return preparers and facilitators must prominently and  
2 conspicuously display at their place of business and at any other  
3 location where they provide tax return preparation and/or facilitation  
4 services the following documents:

5 (A) a current price list, in at least fourteen-point type, that  
6 includes, but is not limited to, a list of all services offered by the  
7 tax return preparer and/or facilitator; the minimum fee charged for each  
8 service, including the fee charged for each type of federal or New York  
9 state tax return to be prepared and facilitation service to be provided;  
10 and a list of each factor that may increase a stated fee and the specif-  
11 ic additional fees or range of possible additional fees when each factor  
12 applies; and

13 (B) a copy of the most recent Consumer Bill of Rights Regarding Tax  
14 Preparers published by the department pursuant to section three hundred  
15 seventy-two of the general business law.

16 (3) A tax return preparer or facilitator who fails to comply with any  
17 of the requirements of this subdivision must pay a penalty of five  
18 hundred dollars for the first day of non-compliance and two hundred  
19 dollars for each subsequent day of non-compliance thereafter. The maxi-  
20 mum penalty that may be imposed under this subdivision on any tax return  
21 preparer or facilitator during any calendar year must not exceed ten  
22 thousand dollars. The penalty can be waived only for good cause shown by  
23 the tax return preparer or facilitator.

24 § 4. Subdivision (g) of section 32 of the tax law, as added by section  
25 2 of part VV of chapter 59 of the laws of 2009, is relettered subdivi-  
26 sion (i).

1 § 5. This act shall take effect immediately; provided, however, that  
2 paragraph (3) of subdivision (h) of section 32 of the tax law, as added  
3 by section three of this act, shall take effect January 1, 2022.

4 PART T

5 Section 1. Section 2016 of the tax law, as amended by chapter 401 of  
6 the laws of 1987, is amended to read as follows:

7 § 2016. Judicial review. A decision of the tax appeals tribunal, which  
8 is not subject to any further administrative review, shall finally and  
9 irrevocably decide all the issues which were raised in proceedings  
10 before the division of tax appeals upon which such decision is based  
11 unless, within four months after notice of such decision is served by  
12 the tax appeals tribunal upon every party to the proceeding before such  
13 tribunal by certified mail or personal service, the petitioner who  
14 commenced the proceeding [petitions] or the commissioner, or both, peti-  
15 tion for judicial review in the manner provided by article seventy-eight  
16 of the civil practice law and rules, except as otherwise provided in  
17 this [section] chapter. Such service by certified mail shall be  
18 complete upon deposit of such notice, enclosed in a post-paid properly  
19 addressed wrapper, in a post office or official depository under the  
20 exclusive care and custody of the United States postal service. [The]  
21 Where the petitioner who commenced the proceeding before the division of  
22 tax appeals files a petition for judicial review, the petition shall  
23 designate the tax appeals tribunal and the commissioner [of taxation and  
24 finance] as respondents in the proceeding for judicial review. Where  
25 the commissioner files a petition for judicial review, the petition  
26 shall designate the tax appeals tribunal and the petitioner who

1 commenced the proceeding before the division of tax appeals as respond-  
2 ents in the proceeding for judicial review. The tax appeals tribunal  
3 shall not participate in proceedings for judicial review of its deci-  
4 sions and such proceedings for judicial review shall be commenced in the  
5 appellate division of the supreme court, third department. In all other  
6 respects the provisions and standards of article seventy-eight of the  
7 civil practice law and rules shall apply. The record to be reviewed in  
8 such proceedings for judicial review shall include the determination of  
9 the administrative law judge, the decision of the tax appeals tribunal,  
10 the stenographic transcript of the hearing before the administrative law  
11 judge, the transcript of any oral proceedings before the tax appeals  
12 tribunal and any exhibit or document submitted into evidence at any  
13 proceeding in the division of tax appeals upon which such decision is  
14 based.

15 § 2. This act shall take effect immediately and shall apply to deci-  
16 sions and orders issued by the tax appeals tribunal on or after such  
17 date.

18 PART U

19 Section 1. Paragraphs i and v of subdivision 1-e of section 333 of the  
20 real property law, as amended by section 5 of part X of chapter 56 of  
21 the laws of 2010 and as further amended by subdivision (d) of section 1  
22 of part W of chapter 56 of the laws of 2010, are amended to read as  
23 follows:

24 i. A recording officer shall not record or accept for [record] record-  
25 ing any conveyance of real property affecting land in New York state  
26 unless accompanied by one of the following:



1 (1) a receipt issued by the commissioner of taxation and finance  
2 pursuant to subdivision (c) of section fourteen hundred twenty-three of  
3 the tax law; or

4 (2) a transfer report form prescribed by the commissioner of taxation  
5 and finance [or in lieu thereof, confirmation from the commissioner that  
6 the required data has been reported to it pursuant to paragraph vii of  
7 this subdivision], and the fee prescribed pursuant to subdivision three  
8 of this section.

9 v. (1) The provisions of this subdivision shall not operate to invali-  
10 date any conveyance of real property where one or more of the items  
11 designated as subparagraphs one through eight of paragraph ii of this  
12 subdivision, have not been reported or which has been erroneously  
13 reported, nor affect the record contrary to the provisions of this  
14 subdivision, nor impair any title founded on such conveyance or record.  
15 [Such]

16 (2) Subject to the provisions of section fourteen hundred twenty-three  
17 of the tax law, such form shall contain an affirmation as to the accura-  
18 cy of the contents made both by the transferor or transferors and by the  
19 transferee or transferees. Provided, however, that if the conveyance of  
20 real property occurs as a result of a taking by eminent domain, tax  
21 foreclosure, or other involuntary proceeding such affirmation may be  
22 made only by either the condemnor, tax district, or other party to whom  
23 the property has been conveyed, or by that party's attorney. The affir-  
24 mations required by this paragraph shall be made in the form and manner  
25 prescribed by the commissioner, provided that notwithstanding any  
26 provision of law to the contrary, affirmants may be allowed, but shall  
27 not be required, to sign such affirmations electronically.

1 § 2. Paragraphs vii and viii of subdivision 1-e of section 333 of the  
2 real property law are REPEALED.

3 § 3. Subdivision 3 of section 333 of the real property law, as amended  
4 by section 2 of part JJ of chapter 56 of the laws of 2009 and as further  
5 amended by subdivision (d) of section 1 of part W of chapter 56 of the  
6 laws of 2010, is amended to read as follows:

7 3. [The] (i) When a recording officer [of every county and the city of  
8 New York] is presented with a conveyance for recording that is accompa-  
9 nied by a receipt issued by the commissioner of taxation and finance  
10 pursuant to subdivision (c) of section fourteen hundred twenty-three of  
11 the tax law, such recording officer shall be relieved of the responsi-  
12 bility to collect the fee described by this subdivision. He or she  
13 shall nonetheless be entitled to the portion of such fee that he or she  
14 would otherwise have deducted pursuant to this subdivision, as provided  
15 by subdivision (b) of section fourteen hundred twenty-three of the tax  
16 law.

17 (ii) When a recording officer is presented with a conveyance for  
18 recording that is not accompanied by such a receipt, he or she shall  
19 impose a fee of two hundred fifty dollars, or in the case of a transfer  
20 involving qualifying residential or farm property as defined by para-  
21 graph iv of subdivision one-e of this section, a fee of one hundred  
22 twenty-five dollars, for every real property transfer reporting form  
23 submitted for recording as required under subparagraph two of paragraph  
24 i of subdivision one-e of this section. In the city of New York, the  
25 recording officer shall impose a fee of one hundred dollars for each  
26 real property transfer tax form filed in accordance with chapter twen-  
27 ty-one of title eleven of the administrative code of the city of New  
28 York, except where a real property transfer reporting form is also

1 submitted for recording for the transfer as required under subparagraph  
2 two of paragraph i of subdivision one-e of this section. The recording  
3 officer shall deduct nine dollars from such fee and remit the remainder  
4 of the revenue collected to the commissioner of taxation and finance  
5 every month for deposit into the general fund. The amount duly deducted  
6 by the recording officer shall be retained by the county or by the city  
7 of New York.

8 § 4. Subsection (d) of section 663 of the tax law, as amended by  
9 section 1 of part P of chapter 686 of the laws of 2003, is amended to  
10 read as follows:

11 (d) A recording officer shall not record or accept for [record]  
12 recording any deed unless one of the following conditions is satisfied:

13 (1) it is accompanied by a receipt issued by the commissioner indicat-  
14 ing that the estimated tax required by this section has been paid to the  
15 commissioner either electronically or as otherwise prescribed by him or  
16 her;

17 (2) it is accompanied by a form prescribed by the commissioner pursu-  
18 ant to subsection (b) of this section and the payment of any estimated  
19 tax shown as payable on such form[,]; or [unless]

20 (3) such receipt or form includes a certification by the transferor  
21 that this section is inapplicable to the sale or transfer.

22 § 5. Subdivision (c) of section 1407 of the tax law, as amended by  
23 chapter 61 of the laws of 1989, is amended to read as follows:

24 (c) [Every] 1. When a recording officer designated to act as such  
25 agent is presented with a conveyance for recording that is accompanied  
26 by a receipt issued by the commissioner pursuant to subdivision (c) of  
27 section fourteen hundred twenty-three of this article, such recording  
28 officer shall be relieved of the responsibility to collect the real

1 estate transfer tax thereon. He or she shall nonetheless be entitled to  
2 the portion of such tax that he or she would otherwise have retained  
3 pursuant to this subdivision, as provided by subdivision (b) of section  
4 fourteen hundred twenty-three of the tax law.

5 2. When a recording officer is presented with a conveyance for record-  
6 ing that is not accompanied by a receipt described in paragraph one of  
7 this subdivision, he or she shall collect the applicable real estate  
8 transfer tax and shall retain, from the real estate transfer tax which  
9 he or she collects, the sum of one dollar for each of the first five  
10 thousand conveyances accepted for recording and for which he or she has  
11 issued a documentary stamp or metering machine stamp or upon which  
12 instrument effecting the conveyance he or she has noted payment of the  
13 tax or that no tax is due, pursuant to any other method for payment of  
14 the tax provided for in the regulations of the commissioner of taxation  
15 and finance, during each annual period commencing on the first day of  
16 August and ending on the next succeeding thirty-first day of July and  
17 seventy-five cents for each conveyance in excess of five thousand  
18 accepted for recording and for which he or she has issued such a stamp  
19 or upon which instrument effecting the conveyance he or she has noted  
20 payment of the tax or that no tax is due, pursuant to such other method,  
21 during such annual period. Such fee shall be payable even though the  
22 stamp issued or such notation shows that no tax is due. Such a fee paid  
23 to the register of the city of New York shall belong to the city of New  
24 York and such a fee paid to a recording officer of a county outside such  
25 city shall belong to such officer's county. With respect to any other  
26 agents designated to act pursuant to subdivision (a) of this section,  
27 the commissioner of taxation and finance shall have the power to  
28 provide, at his or her discretion, for payment of a fee to such agent,

1 in such manner and amount and subject to such limitations as he or she  
2 may determine, but any such fee for any annual period shall not be  
3 greater than the sum of one dollar for each of the first five thousand  
4 conveyances for which such agent has issued a documentary stamp or  
5 metering machine stamp or upon which instrument effecting the conveyance  
6 he or she has noted payment of the tax or that no tax is due, pursuant  
7 to any other method for payment of the tax provided for in the regu-  
8 lations of the commissioner of taxation and finance, during such annual  
9 period and seventy-five cents for each conveyance in excess of five  
10 thousand for which such agent has issued such a stamp or upon which  
11 instrument effecting the conveyance such agent has noted payment of the  
12 tax or that no tax is due, pursuant to such other method, during such  
13 annual period.

14 § 6. Subdivision (b) of 1409 of the tax law, as added by chapter 61 of  
15 the laws of 1989, is amended to read as follows:

16 (b) [The] Subject to the provisions of section fourteen hundred twen-  
17 ty-three of this article, the return shall be signed by both the grantor  
18 and the grantee. Where a conveyance has more than one grantor or more  
19 than one grantee, the return shall be signed by all of such grantors and  
20 grantees. Where any or all of the grantors or any or all of the grantees  
21 have failed to sign a return, it shall be accepted as a return if signed  
22 by any one of the grantors or by any one of the grantees. Provided,  
23 however, those not signing the return shall not be relieved of any  
24 liability for the tax imposed by this article and the period of limita-  
25 tions for assessment of tax or of additional tax shall not apply to any  
26 such party.

27 § 7. Subdivision (b) of section 1410 of the tax law, as added by chap-  
28 ter 61 of the laws of 1989, is amended to read as follows:

1 (b) A recording officer shall not record an instrument effecting a  
2 conveyance unless one of the following conditions is satisfied:

3 (1) the instrument is accompanied by a receipt issued by the commis-  
4 sioner pursuant to subdivision (c) of section fourteen hundred twenty-  
5 three of this article; or

6 (2) the return required by section fourteen hundred nine of this arti-  
7 cle has been filed and the real estate transfer tax due, if any, shall  
8 have been paid as provided in this section.

9 § 8. The tax law is amended by adding a new section 1423 to read as  
10 follows:

11 § 1423. Modernization of real property transfer reporting. (a)  
12 Notwithstanding any provision of law to the contrary, the commissioner  
13 is hereby authorized to implement a system for the electronic collection  
14 of data relating to transfers of real property. In connection therewith,  
15 the commissioner may combine the two forms referred to in paragraph one  
16 of this subdivision into a consolidated real property transfer form to  
17 be filed with him or her electronically; provided:

18 (1) The two forms that may be so combined are the real estate transfer  
19 tax return required by section fourteen hundred nine of this article,  
20 and the real property transfer report required by subdivision one-e of  
21 section three hundred thirty-three of the real property law. However,  
22 the commissioner shall continue to maintain both such return and such  
23 report as separate forms, so that a party who prefers not to file a  
24 consolidated real property transfer form with the commissioner electron-  
25 ically shall have the option of filing both such return and such report  
26 with the recording officer, as otherwise provided by law. Under no  
27 circumstances shall a consolidated real property transfer form be filed  
28 with, or accepted by, the recording officer.

1 (2) Notwithstanding the provisions of section fourteen hundred eigh-  
2 teen of this article, any information appearing on a consolidated real  
3 property transfer form that is required to be included on the real prop-  
4 erty transfer report required by subdivision one-e of section three  
5 hundred thirty-three of the real property law shall be subject to public  
6 disclosure.

7 (3) When a consolidated real property transfer form is electronically  
8 submitted to the department by either the grantor or grantee or a duly  
9 authorized agent thereof, the act of submitting such form shall be  
10 deemed to be the signing of the return as required by paragraph (v) of  
11 subdivision one-e of the real property law or subdivision (b) of section  
12 fourteen hundred nine of this article, and the requirement that all the  
13 grantors and grantees shall sign the return shall not apply. However,  
14 the fact that a grantor or grantee has not electronically submitted the  
15 form shall not relieve that grantor or grantee of any liability for the  
16 tax imposed by this article.

17 (b) When a consolidated real property transfer form is filed with the  
18 commissioner electronically pursuant to this section, the real estate  
19 transfer tax imposed under this article, and the fee that would other-  
20 wise be retained by the recording officer pursuant to subdivision three  
21 of section three hundred thirty-three of the real property law, shall be  
22 paid to the commissioner therewith. The commissioner shall retain on  
23 behalf of the recording officer the portion of such tax that would  
24 otherwise have been retained by the recording officer pursuant to subdivi-  
25 vision (c) of section fourteen hundred seven of this article, and the  
26 portion of such fee that would otherwise have been retained by the  
27 recording officer pursuant to subdivision three of section three hundred  
28 thirty-three of the real property law. The moneys so retained by the

1 commissioner on behalf of the recording officer, hereinafter referred to  
2 as the recording officer's fees, shall be deposited daily with such  
3 responsible banks, banking houses, or trust companies as may be desig-  
4 nated by the state comptroller. Of the recording officer's fees so  
5 deposited, the comptroller shall retain in the comptroller's hands such  
6 amount as the commissioner may determine to be necessary for refunds or  
7 reimbursements of such fees collected or received pursuant to this  
8 section, out of which the comptroller shall pay any refunds or  
9 reimbursements of such fees to which persons shall be entitled under the  
10 provisions of this section. The comptroller, after reserving such refund  
11 and reimbursement fund shall, on or before the twelfth day of each  
12 month, pay to the appropriate recording officers an amount equal to the  
13 recording officer's fees reserved on their behalf. Provided, however,  
14 that the commissioner is authorized to request that the comptroller  
15 refrain from making such a payment of such fees to a recording officer  
16 until the commissioner has certified to the comptroller that the record-  
17 ing officer has supplied the commissioner with the liber and page  
18 numbers of the recorded instruments that gave rise to such fees.

19 (c) The system for the electronic submission of consolidated real  
20 property transfer forms shall be designed so that upon the successful  
21 electronic filing of such a form and the payment of the associated taxes  
22 and fees, the party submitting the same shall be provided with an elec-  
23 tronic receipt in a form prescribed by the commissioner that confirms  
24 such filing and payment. Such party may file a printed copy of such  
25 receipt with the recording officer when offering the associated instru-  
26 ment for recording, in lieu of submitting to the recording officer the  
27 return, report, tax and fee that would otherwise have been required  
28 under this article and subdivisions one-e and three of section three



1 hundred thirty-three of the real property law. The recording officer  
2 shall retain such receipt for a minimum of three years, unless otherwise  
3 directed by the commissioner, and shall provide a copy thereof to the  
4 commissioner for inspection upon his or her request.

5 (d) Upon recording the instrument to which the consolidated real prop-  
6 erty transfer form pertains, the recording officer shall provide the  
7 commissioner with the liber and page thereof at such time and in such  
8 manner as the commissioner shall prescribe.

9 (e) The provisions of this section shall not be applicable within a  
10 city or county that has implemented its own electronic system for the  
11 recording of deeds, the filing of the real estate transfer tax returns  
12 and the real property transfer reports prescribed by the commissioner,  
13 and the payment of the associated taxes and fees, unless such city or  
14 county shall notify the commissioner that such jurisdiction will follow  
15 the system authorized pursuant to this section to be used therein, in  
16 writing.

17 § 9. This act shall take effect immediately.

18 PART V

19 Section 1. This Part enacts into law components of legislation relat-  
20 ing to the administration of the STAR program authorized by section 425  
21 of the real property tax law and subsection (eee) of section 606 of the  
22 tax law. Each component is wholly contained within a Subpart identified  
23 as Subparts A through E. The effective date for each particular  
24 provision contained within such Subpart is set forth in the last section  
25 of such Subpart. Any provision in any section contained within a  
26 Subpart, including the effective date of the Subpart, which makes refer-

1 ence to a section "of this act", when used in connection with that  
2 particular component, shall be deemed to mean and refer to the corre-  
3 sponding section of the Subpart in which it is found. Section three of  
4 this Part sets forth the general effective date of this Part.

5 SUBPART A

6 Section 1. Paragraphs (a) and (b) of subdivision 16 of section 425 of  
7 the real property tax law, as amended by section 5 of part A of chapter  
8 73 of the laws of 2016, are amended to read as follows:

9 (a) Beginning with assessment rolls used to levy school district taxes  
10 for the two thousand sixteen--two thousand seventeen school year, no  
11 application for an exemption under this section may be approved unless  
12 at least one of the applicants held title to the property on the taxable  
13 status date of the assessment roll that was used to levy school district  
14 taxes for the two thousand fifteen--two thousand sixteen school year and  
15 the property was granted an exemption pursuant to this section on that  
16 assessment roll. In addition, beginning with assessment rolls used to  
17 levy school district taxes for the two thousand twenty-one--two thousand  
18 twenty-two school year, no application for a new enhanced exemption  
19 under subdivision four of this section may be approved. In the event  
20 that an application is submitted to the assessor that cannot be approved  
21 due to this restriction, the assessor shall notify the applicant that he  
22 or she is required by law to deny the application, but that, in lieu of  
23 a STAR exemption, the applicant may claim the personal income tax credit  
24 authorized by subsection (eee) of section six hundred six of the tax law  
25 if eligible, and that the applicant may contact the department of taxa-  
26 tion and finance for further information. The commissioner shall

1 provide a form for assessors to use, at their option, when making this  
2 notification. No STAR exemption may be granted on the basis of an appli-  
3 cation that is not approvable due to this restriction.

4 (b) Where property received an exemption pursuant to this section on  
5 an assessment roll used to levy school district taxes for the two thou-  
6 sand fifteen--two thousand sixteen school year, and at least one of its  
7 owners held title to the property on the taxable status date of such  
8 assessment roll, the exemption shall continue to be granted on subse-  
9 quent assessment rolls without regard to the provisions of this subdivi-  
10 sion as long as all applicable requirements of this section are satis-  
11 fied. In addition, such exemption shall be subject to modification as  
12 follows:

13 (i) A basic STAR exemption shall be changed to an enhanced STAR  
14 exemption on an assessment roll used to levy school district taxes for a  
15 school year prior to the two thousand twenty-one--two thousand twenty-  
16 two school year if the owners and spouses primarily residing on the  
17 property file a timely application showing that their ages and incomes  
18 meet the requirements of subdivision four of this section. Beginning  
19 with assessment rolls used to levy school district taxes for the two  
20 thousand twenty-one--two thousand twenty-two school year, no application  
21 for a new enhanced exemption under this section may approved. In the  
22 event that an application is submitted to the assessor that cannot be  
23 approved due to this restriction, the assessor shall notify the appli-  
24 cant that he or she is required by law to deny the application, but that  
25 the applicant may apply for an enhanced STAR credit pursuant to para-  
26 graph four of subsection (eee) of section six hundred six of the tax law  
27 if eligible, and that the applicant may contact the department of taxa-  
28 tion and finance for information on how to apply for the credit. The

1 assessor shall further notify the applicant that if he or she does not  
2 wish to switch to the credit, he or she may continue receiving the basic  
3 STAR exemption as long as the eligibility requirements for that  
4 exemption continue to be satisfied. The commissioner shall provide a  
5 form for assessors to use, at their option, when making this notifica-  
6 tion. No enhanced STAR exemption may be granted on the basis of an  
7 application that is not approvable due to this restriction. Nothing  
8 contained herein shall be construed to preclude the restoration of a  
9 previously-granted enhanced STAR exemption pursuant to subparagraphs  
10 (ii) or (iii) of this paragraph.

11 (ii) An enhanced STAR exemption shall be changed to a basic STAR  
12 exemption if the combined income of the owners and spouses primarily  
13 residing on the property increases above the limit set by subdivision  
14 four of this section, subject to the provisions of subparagraph (iii) of  
15 this paragraph, provided that if their combined income falls below the  
16 limit set by subdivision four of this section in the future, and they  
17 have not switched to the STAR credit, their enhanced STAR exemption may  
18 be resumed upon timely application.

19 (iii) A STAR exemption shall be discontinued if the combined income of  
20 the owners and spouses primarily residing on the property increases  
21 above the limit set by subdivision three of this section, provided that  
22 if their income falls below such limit in the future, and they have not  
23 switched to the STAR credit, their STAR exemption may be resumed upon  
24 timely application.

25 (iv) A STAR exemption shall be permanently discontinued if the owners  
26 fail to satisfy the applicable residency or ownership requirement, or  
27 both.

28 § 2. This act shall take effect immediately.

1

## SUBPART B

2 Section 1. Subparagraph (i) of paragraph (c) of subdivision 17 of  
3 section 425 of the real property tax law, as added by section 2 of part  
4 G of chapter 39 of the laws of 2019, is amended to read as follows:

5 (i) A STAR credit switch may be deferred if the application for the  
6 credit is submitted after a cutoff date set by the commissioner. When  
7 setting a cutoff date, the commissioner shall take into account the time  
8 required to ensure that the STAR exemptions of all STAR credit appli-  
9 cants in the assessing unit will be removed before school tax bills are  
10 prepared. The commissioner shall specify the applicable cutoff dates  
11 after taking into account local assessment calendars, provided that  
12 different cutoff dates may be set for municipalities with different  
13 assessment calendars, and provided further that any such cutoff date may  
14 be no earlier than the [fifteenth] sixty-first day prior to the date on  
15 which the applicable final assessment roll is required by law to be  
16 completed and filed.

17 § 2. This act shall take effect immediately.

18

## SUBPART C

19 Section 1. Subsection (c) of section 651 of the tax law, as amended by  
20 section 3 of part QQ of chapter 59 of the laws of 2019, is amended to  
21 read as follows:

22 (c) Decedents. The return for any deceased individual shall be made  
23 and filed by his or her executor, administrator, or other person charged  
24 with his or her property. If a final return of a decedent is for a frac-  
25 tional part of a year, the due date of such return shall be the

1 fifteenth day of the fourth month following the close of the twelve-  
2 month period which began with the first day of such fractional part of  
3 the year. Notwithstanding any provision of law to the contrary, when a  
4 return has been filed for a decedent, the commissioner may disclose the  
5 decedent's name, address, and the date of death to the director of real  
6 property tax services of the county and to the assessor of the assessing  
7 unit in which the address reported on such return is located.

8 § 2. This act shall take effect immediately.

9 SUBPART D

10 Section 1. Paragraphs (b) and (c) of subdivision 2 of section 200-a of  
11 the real property tax law, as amended by section 2 of part J of chapter  
12 57 of the laws of 2013, are amended to read as follows:

13 (b) The power to hear and determine reviews relating to determinations  
14 made by county equalization agencies, as provided by sections eight  
15 hundred sixteen and eight hundred eighteen of this chapter[; and

16 (c) The power to hear and determine reviews relating to determinations  
17 of STAR eligibility made by the department of taxation and finance as  
18 provided by section four hundred twenty five of this chapter].

19 § 2. Subdivision 3 of section 200-a of the real property tax law, as  
20 added by section 7 of part W of chapter 56 of the laws of 2010, is  
21 amended to read as follows:

22 3. The provisions of section five hundred twenty-five of this chapter  
23 shall apply so far as practicable to a hearing conducted by the board of  
24 real property tax services pursuant to sections eight hundred sixteen  
25 and eight hundred eighteen of this chapter.

1 § 3. Paragraph (a-2) of subdivision 6 of section 425 of the real prop-  
2 erty tax law, as amended by section 1 of part TT of chapter 59 of the  
3 laws of 2019, is amended to read as follows:

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

1 bill and/or issuing a refund accordingly] determination shall be imple-  
2 mented in the manner provided by subdivision fifteen of this section.

3 § 4. Clauses (C) and (D) of subparagraph (iv) of paragraph (b) of  
4 subdivision 4 of section 425 of the real property tax law are REPEALED  
5 and a new clause (C) is added to read as follows:

6 (C) If the commissioner determines that the enhanced exemption should  
7 be replaced with a basic exemption because the property is only eligible  
8 for a basic exemption, or determines that the enhanced exemption should  
9 be removed or denied without being replaced with a basic exemption  
10 because the property is not eligible for either exemption, his or her  
11 determination shall be implemented in the manner provided by subdivision  
12 fifteen of this section.

13 § 5. Paragraphs (c) and (d) of subdivision 14 of section 425 of the  
14 real property tax law are REPEALED and a new paragraph (c) is added to  
15 read as follows:

16 (c) If the commissioner determines that a STAR exemption should be  
17 removed or denied for one or more of the reasons specified in paragraph  
18 (b) of this subdivision, his or her determination shall be implemented  
19 in the manner provided by subdivision fifteen of this section.

20 § 6. Subdivisions 14-a, 15 and 15-a of section 425 of the real proper-  
21 ty tax law are REPEALED and a new subdivision 15 is added to read as  
22 follows:

23 15. Review by commissioner. (a) When the commissioner determines  
24 pursuant to this section that a STAR exemption should be granted, denied  
25 or modified, the assessor or other person having custody or control of  
26 the assessment roll or tax roll shall be authorized and directed upon  
27 receipt of the commissioner's determination to correct such roll accord-  
28 ingly. Such correction shall be made without regard to the provisions



1 of title three of article five of this chapter or any comparable laws  
2 governing the correction of errors on assessment rolls and tax rolls,  
3 and shall be made without requesting additional documentation or the  
4 approval of any other party. In addition:

5 (b) If the commissioner's determination directs the granting of a STAR  
6 exemption to a property owner, or is otherwise favorable to the property  
7 owner:

8 (i) The assessor or other person having custody or control of the  
9 assessment roll or tax roll shall attempt to implement the commission-  
10 er's determination prior to the levy of school taxes if possible. If  
11 the correction is not made before school taxes are levied, the school  
12 district authorities shall be authorized and directed to implement the  
13 commissioner's determination by correcting the property owner's school  
14 tax bill or by providing the property owner with a credit for the amount  
15 at issue; provided that if the school tax bill has already been paid,  
16 the school district authorities shall implement the commissioner's  
17 determination by issuing a refund of the amount at issue. For purposes  
18 of this subdivision, the "amount at issue" means the additional tax  
19 savings that would have appeared on the property owner's school tax bill  
20 if the commissioner's determination had been implemented prior to the  
21 school tax levy.

22 (ii) Alternatively, the commissioner is authorized in his or her  
23 discretion to remit directly to the property owner or owners the amount  
24 at issue. When the commissioner does so, he or she shall so notify the  
25 assessor and county director of real property tax services. In such  
26 cases, no correction shall be made to the assessment roll or tax roll  
27 for that school year, and no credit or refund shall be provided by the

1 school authorities to the property owner or his or her agent for the  
2 excessive amount of school taxes paid for that school year.

3 (c) If the commissioner's determination directs the denial of a STAR  
4 exemption to a property owner, or is otherwise unfavorable to the prop-  
5 erty owner:

6 (i) The commissioner shall mail the property owner notice of his or  
7 her determination and an opportunity to be heard thereon. If the owner  
8 fails to respond to such notice within forty-five days from the mailing  
9 thereof, the commissioner's determination shall stand and no further  
10 review shall be available. If the owner responds to such notice within  
11 the forty-five day period, the commissioner shall review the response  
12 and any documentation provided in support thereof and shall notify the  
13 owner of his or her final determination. If dissatisfied with the  
14 commissioner's final determination, the owner may seek judicial review  
15 thereof pursuant to article seventy-eight of the civil practice law and  
16 rules. The property owner shall otherwise have no right to challenge  
17 such final determination in a court action, administrative proceeding or  
18 any other form of legal recourse against the commissioner, the depart-  
19 ment, the assessor or other person having custody or control of the  
20 assessment roll or tax roll regarding such action.

21 (ii) Notwithstanding any provision of law to the contrary, neither an  
22 assessor nor a board of assessment review has the authority to consider  
23 an objection to the denial or reduction of an exemption pursuant to this  
24 subdivision, nor may such an action be reviewed in a proceeding to  
25 review an assessment pursuant to title one or one-A of article seven of  
26 this chapter. Such an action may only be challenged before the depart-  
27 ment in the manner described in this paragraph.

1 (iii) If a STAR exemption should appear on a property owner's school  
2 tax bill despite the fact that the commissioner had determined the prop-  
3 erty owner to be ineligible for that exemption, the commissioner is  
4 authorized to recover the amount at issue directly from the owners of  
5 the property by utilizing any of the procedures for collection, levy,  
6 and lien of personal income tax set forth in article twenty-two of the  
7 tax law, and any other relevant procedures referenced within the  
8 provisions of such article. When the commissioner implements the deter-  
9 mination in this manner, he or she shall so notify the assessor and  
10 county director of real property tax services, but no correction shall  
11 be made to the assessment roll or tax roll for that school year, and no  
12 corrected school tax bill shall be sent to the taxpayer for that school  
13 year.

14 § 7. Section 171-u of the tax law, as added by section 2 of part FF of  
15 chapter 57 of the laws of 2010, and subdivision 5 as added by section 7  
16 of part N of chapter 58 of the laws of 2011, is amended to read as  
17 follows:

18 § 171-u. Verification of income eligibility for basic STAR exemption.  
19 (1) [On or after August fifteenth of each year, beginning in two thou-  
20 sand ten, the commissioner shall procure a report or reports identifying  
21 all parcels receiving the basic STAR exemption authorized by section  
22 four hundred twenty-five of the real property tax law. The commissioner  
23 is authorized to develop procedures necessary to ascertain to the best  
24 of his or her ability whether the parcels satisfy the income eligibility  
25 requirements for such exemption. Such determination shall be based upon  
26 the affiliated income of the parcel for the applicable income tax year,  
27 as defined by paragraph (b-1) of subdivision three of section four  
28 hundred twenty-five of the real property tax law.

1 (2) The commissioner shall further develop procedures by which each  
2 assessor shall be notified of his or her findings, stating in each case  
3 either that the parcel does or does not meet the income eligibility  
4 standard prescribed by law, or that the income-eligibility of such  
5 parcel cannot be ascertained, whichever is appropriate. The commissioner  
6 shall provide no other information about the income of any person to an  
7 assessor. Such reports shall be furnished to assessors prior to the  
8 applicable taxable status date or as soon thereafter as is possible.

9 (3) Upon receiving such a report, the assessor shall grant the  
10 exemption to those parcels which the commissioner determined to be  
11 income-eligible (assuming the assessor finds that the remaining eligi-  
12 bility requirements continue to be satisfied), shall deny the exemption  
13 to those which the commissioner determined not to be income-eligible,  
14 and shall solicit income documentation from the owners of those parcels  
15 as to which the commissioner was unable to make a determination. Where  
16 the assessor denies the exemption based upon the commissioner's report,  
17 a notice of denial shall be mailed as provided by paragraph (b) of  
18 subdivision six of section four hundred twenty-five of the real property  
19 tax law, giving the findings of such department as a reason for such  
20 denial.

21 (4) Where a STAR exemption has been improperly granted on a final  
22 assessment roll to a property where the affiliated income exceeds the  
23 limitations established by paragraph (b-1) of subdivision three of  
24 section four hundred twenty-five of the real property tax law, the  
25 improperly granted exemption shall be corrected in the manner provided  
26 by subdivision twelve of section four hundred twenty-five of the real  
27 property tax law.

1 (5)] The commissioner shall verify the income eligibility of recipi-  
2 ents of the basic STAR exemption authorized by section four hundred  
3 twenty-five of the real property tax law in the manner provided therein.

4 (2)(a) Notwithstanding any provision of law to the contrary, the  
5 commissioner may adopt rules prescribing a uniform statewide system of  
6 parcel identification numbers applicable to all "assessing units", as  
7 that term is defined by section one hundred two of the real property tax  
8 law, provided that no such rule shall apply to an assessment roll with a  
9 taxable status date occurring prior to January first, two thousand thir-  
10 teen.

11 (b) Notwithstanding the foregoing provisions of this subdivision, the  
12 commissioner may, at his or her discretion, adopt rules that are appli-  
13 cable only to "special assessing units," as that term is defined by  
14 section eighteen hundred one of the real property tax law, which  
15 prescribe an alternative system of parcel identification numbers solely  
16 for such special assessing units.

17 § 8. This act shall take effect immediately.

18 SUBPART E

19 Section 1. Paragraph 2 of subdivision w of section 233 of the real  
20 property law is REPEALED.

21 § 2. Paragraph 3 of subdivision w of section 233 of the real property  
22 law, as amended by section 18 of part B of chapter 389 of the laws of  
23 1997, is amended to read as follows:

24 3. A manufactured home park owner or operator providing a reduction in  
25 rent as required by paragraph one [or two] of this subdivision may

1 retain, in consideration for record keeping expenses, two percent of the  
2 amount of such reduction.

3 § 3. The opening paragraph of paragraph 3-a of subdivision w of  
4 section 233 of the real property law, as added by chapter 405 of the  
5 laws of 2001, is amended to read as follows:

6 Any reduction required to be provided pursuant to paragraph one [or  
7 two] of this subdivision shall be provided as follows:

8 § 4. Paragraph (1) of subdivision 2 of section 425 of the real proper-  
9 ty tax law is amended by adding a new subparagraph (iv) to read as  
10 follows:

11 (iv) Beginning with assessment rolls used to levy school district  
12 taxes for the two thousand twenty-two--two thousand twenty-three school  
13 year, no exemption shall be granted pursuant to this section to a mobile  
14 home that is described in this paragraph. Owners of such property may  
15 claim the credit authorized by subsection (eee) of section six hundred  
16 six of the tax law in the manner prescribed therein.

17 § 5. Subparagraph (B) of paragraph 6 of subsection (eee) of section  
18 606 of the tax law is amended by adding a new clause (iii) to read as  
19 follows:

20 (iii) Beginning with the two thousand twenty-two taxable year, to  
21 receive the credit authorized by this subsection, an owner of a mobile  
22 home described by clause (i) of this subparagraph shall register for  
23 such credit in the manner prescribed by the commissioner and claim the  
24 credit upon his or her personal income tax return for the taxable year  
25 in question. Notwithstanding the provisions of paragraph ten of this  
26 subsection, the commissioner shall not make advance payments of the  
27 credit to such owners.

1 § 6. This act shall take effect immediately; provided, however, that  
2 the amendments to subdivision w of section 233 of the real property law  
3 made by sections one, two and three of this act shall be applicable  
4 beginning with assessment rolls used to levy school district taxes for  
5 the 2022--2023 school year.

6 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
7 sion, section, item, subpart or part of this act shall be adjudged by  
8 any court of competent jurisdiction to be invalid, such judgment shall  
9 not affect, impair, or invalidate the remainder thereof, but shall be  
10 confined in its operation to the clause, sentence, paragraph, subdivi-  
11 sion, section, item, subpart or part thereof directly involved in the  
12 controversy in which such judgment shall have been rendered. It is here-  
13 by declared to be the intent of the legislature that this act would have  
14 been enacted even if such invalid provisions had not been included here-  
15 in.

16 § 3. This act shall take effect immediately, provided, however, that  
17 the applicable effective date of Subparts A through E of this act shall  
18 be as specifically set forth in the last section of such Subparts.

19 PART W

20 Section 1. Section 200 of the real property tax law, as amended by  
21 section 4-a of part W of chapter 56 of the laws of 2010, is amended to  
22 read as follows:

23 § 200. State board. There is hereby created in the department of taxa-  
24 tion and finance a separate and independent state board of real property  
25 tax services, to consist of five members to be appointed by the gover-  
26 nor, by and with the advice and consent of the senate. Of those five

1 members appointed by the governor, one such person shall be an individ-  
2 ual actively engaged in the commercial production for sale of agricul-  
3 tural crops, livestock and livestock products of an average gross sales  
4 value of ten thousand dollars or more. Said individual shall be  
5 appointed in the first instance to a term of eight years upon expiration  
6 of an existing term. Said initial term shall commence on the first day  
7 of January next succeeding the year in which the existing term shall  
8 expire. The governor shall designate one of the members as the chairman  
9 of the board, who shall serve as chairman at the pleasure of the gover-  
10 nor. A majority of the duly appointed members shall constitute a quorum  
11 and not less than a majority of such members concurring may transact  
12 any business, perform any duty or exercise any power of the board. The  
13 members of the board shall be appointed for terms of eight years,  
14 commencing on the first day of January next following the year in which  
15 the term of his predecessor expired, except that the terms of the  
16 members first appointed shall expire as follows: one on December thir-  
17 ty-first, nineteen hundred sixty-one, one on December thirty-first,  
18 nineteen hundred sixty-three, one on December thirty-first, nineteen  
19 hundred sixty-five, one on December thirty-first, nineteen hundred  
20 sixty-seven, and one on December thirty-first, nineteen hundred eighty-  
21 two. Vacancies occurring otherwise than by expiration of term shall be  
22 filled for the unexpired term. All members shall receive necessary  
23 expenses incurred in the performance of their duties.

24 § 2. Section 307 of the real property tax law is REPEALED.

25 § 3. Subdivision 4 of section 483 of the real property tax law, as  
26 amended by chapter 72 of the laws of 1979 and as further amended by  
27 subdivision (b) of section 1 of part W of chapter 56 of the laws of



1 2010, and as renumbered by chapter 797 of the laws of 1992, is amended  
2 to read as follows:

3 4. Such exemption from taxation shall be granted only upon an applica-  
4 tion by the owner of the building or structure on a form prescribed by  
5 the commissioner. The applicant shall furnish such information as [such  
6 board] the commissioner shall require. Such application shall be filed  
7 with the assessor of the city, town, village or county having the power  
8 to assess property for taxation on or before the appropriate taxable  
9 status date of such city, town, village or county and within one year  
10 from the date of completion of such construction or reconstruction.

11 § 4. Subdivision 3 of section 489-n of the real property tax law, as  
12 added by chapter 86 of the laws of 1963 and as further amended by subdivi-  
13 sion (b) of section 1 of part W of chapter 56 of the laws of 2010, is  
14 amended to read as follows:

15 3. The commissioner shall meet at the time and place specified in such  
16 notice to hear complaints in relation to the tentative determination of  
17 the railroad ceiling. The provisions of section five hundred twelve of  
18 this chapter shall apply so far as may be practicable to a hearing under  
19 this section. Nothing contained in this subdivision shall be construed  
20 to require a hearing to be conducted when no complaints have been filed.

21 § 5. Subdivision 3 of section 489-kk of the real property tax law, as  
22 added by chapter 920 of the laws of 1977 and as further amended by  
23 subdivision (b) of section 1 of part W of chapter 56 of the laws of  
24 2010, is amended to read as follows:

25 3. The commissioner shall meet at the time and place specified in such  
26 notice to hear complaints in relation to the tentative determination of  
27 the railroad ceiling. The provisions of section five hundred twelve of  
28 this chapter shall apply so far as may be practicable to a hearing under

1 this section. Nothing contained in this subdivision shall be construed  
2 to require a hearing to be conducted when no complaints have been filed.

3 § 6. The real property tax law is amended by adding a new section 497  
4 to read as follows:

5 § 497. Construction of certain local option provisions in exemption  
6 statutes. 1. Population restrictions. When an exemption statute makes  
7 one or more options available to municipal corporations having a popu-  
8 lation within a specified range, and the governing body of a municipal  
9 corporation adopts a local law or resolution exercising such an option  
10 while its population is within the specified range, a subsequent change  
11 in the population of the municipal corporation that places it outside  
12 the specified range shall not render such local law or resolution inef-  
13 fective or invalid, nor shall it impair the ability of the governing  
14 body to amend or repeal such local law or resolution to the same extent  
15 as if its population were still within the specified range. Provided,  
16 however, that this subdivision shall not apply to any exemption statute  
17 that expressly provides that a local law or resolution adopted there-  
18 under shall become ineffective or invalid if the population of the  
19 municipal corporation subsequently experiences a change that places it  
20 outside the specified range.

21 2. Filing provisions. When an exemption statute makes one or more  
22 options available to some or all municipal corporations, and further  
23 provides that a municipal corporation adopting a local law or resolution  
24 exercising such an option shall file a copy thereof with one or more  
25 state agencies other than the department of state, but if such statute  
26 does not expressly provide that a local law or resolution exercising  
27 such an option shall not take effect until a copy thereof is filed with  
28 the specified state agency or agencies, then a failure to comply with

1 such filing provision shall not render such local law or resolution  
2 ineffective or invalid.

3 § 7. Subdivision 3 of section 499-0000 of the real property tax law,  
4 as added by chapter 475 of the laws of 2013, is amended to read as  
5 follows:

6 3. The commissioner or his or her designee shall meet at the time and  
7 place specified in such notice set forth in subdivision one of this  
8 section to hear complaints in relation to the tentative determination of  
9 the assessment ceiling. The provisions of section five hundred twelve of  
10 this chapter shall apply so far as may be practicable to a hearing under  
11 this section. Nothing contained in this subdivision shall be construed  
12 to require a hearing to be conducted when no complaints have been filed.

13 § 8. Section 612 of the real property tax law, as further amended by  
14 subdivision (b) of section 1 of part W of chapter 56 of the laws of  
15 2010, is amended to read as follows:

16 § 612. Hearing of complaints. The commissioner or a duly authorized  
17 representative thereof shall meet at the time and place specified in the  
18 notice required by section six hundred eight of this chapter to hear  
19 complaints in relation to assessments of special franchises. The  
20 provisions of section five hundred twelve of this chapter shall apply so  
21 far as practicable to the hearing of complaints pursuant to this  
22 section. Nothing contained in this section shall be construed to  
23 require a hearing to be conducted when no complaints have been filed.

24 § 9. Section 1208 of the real property tax law, as amended by chapter  
25 385 of the laws of 1990 and as further amended by subdivision (b) of  
26 section 1 of part W of chapter 56 of the laws of 2010, is amended to  
27 read as follows:

1 § 1208. Hearing of complaints. The commissioner or a duly authorized  
2 representative thereof shall meet at the time and place specified in the  
3 notice required by section twelve hundred four of this chapter to hear  
4 complaints in relation to equalization rates, class ratios or class  
5 equalization rates. The provisions of section five hundred twenty-five  
6 of this chapter shall apply so far as practicable to a hearing under  
7 this section. Nothing contained in this section shall be construed to  
8 require a hearing to be conducted when no complaints have been filed.

9 § 10. This act shall take effect immediately; provided, however, that  
10 notwithstanding the provisions of subdivision 2 of section 497 of the  
11 real property tax law as added by section six of this act, the decision  
12 issued by the Appellate Division, Third Department on April 16, 2020, in  
13 the Matter of Laertes Solar, LLC v Assessor of the Town of Harford,  
14 cited as 182 A.D.3d 826, 122 N.Y.S.3d 427, and 2020 NY Slip Op 02302,  
15 motion for leave to appeal dismissed in part and otherwise denied by the  
16 Court of Appeals on November 19, 2020, shall remain binding upon the  
17 parties thereto; and provided further that the amendments made to  
18 section 489-0000 of the real property tax law made by section seven of  
19 this act shall not affect the repeal of such section and shall be deemed  
20 to be repealed therewith.

21

## PART X

22 Section 1. Subdivisions 5, 7 and 9 of section 487 of the real property  
23 tax law, subdivision 5 as amended by chapter 325 of the laws of 2018,  
24 subdivision 7 as amended by chapter 515 and subdivision 9 as added by  
25 chapter 608 of the laws of 2002, and paragraph (a) of subdivision 9 as

1 amended by chapter 344 of the laws of 2014, are amended to read as  
2 follows:

3 5. The exemption granted pursuant to this section shall only be appli-  
4 cable to (a) solar or wind energy systems or farm waste energy systems  
5 which are (i) existing or constructed prior to July first, nineteen  
6 hundred eighty-eight or (ii) constructed subsequent to January first,  
7 nineteen hundred ninety-one and prior to January first, two thousand  
8 [twenty-five] thirty, and (b) micro-hydroelectric energy systems, fuel  
9 cell electric generating systems, micro-combined heat and power generat-  
10 ing equipment systems, electric energy storage equipment or electric  
11 energy storage system, or fuel-flexible linear generator electric gener-  
12 ating system which are constructed subsequent to January first, two  
13 thousand eighteen and prior to January first, two thousand [twenty-five]  
14 thirty.

15 7. If the assessor is satisfied that the applicant is entitled to an  
16 exemption pursuant to this section, he or she shall approve the applica-  
17 tion and enter the taxable assessed value of the parcel for which an  
18 exemption has been granted pursuant to this section on the assessment  
19 roll with the taxable property, with the amount of the exemption set  
20 forth in a separate column as computed pursuant to subdivision two of  
21 this section in a separate column. In the event that real property  
22 granted an exemption pursuant to this section ceases to be used primari-  
23 ly for eligible purposes, the exemption granted pursuant to this section  
24 shall cease.

25 9. (a) A county, city, town, village or school district, except a  
26 school district under article fifty-two of the education law, that has  
27 not acted to remove the exemption under this section may require the  
28 owner of a property which includes a solar or wind energy system which

1 meets the requirements of subdivision four of this section, to enter  
2 into a contract for payments in lieu of taxes. Such contract may require  
3 annual payments in an amount not to exceed the amounts which would  
4 otherwise be payable but for the exemption under this section. If the  
5 owner or developer of such a system provides written notification to a  
6 taxing jurisdiction of its intent to construct such a system, then in  
7 order to require the owner or developer of such system to enter into a  
8 contract for payments in lieu of taxes, such taxing jurisdiction must  
9 notify such owner or developer in writing of its intent to require a  
10 contract for payments in lieu of taxes within sixty days of receiving  
11 the written notification. Written notification to a taxing jurisdiction  
12 for this purpose shall include a hard copy letter sent to the highest-  
13 ranking official of the taxing jurisdiction. Such letter shall explicit-  
14 ly reference subdivision nine of section four hundred eighty-seven of  
15 the real property tax law, and clearly state that, unless the taxing  
16 jurisdiction responds within sixty days in writing with its intent to  
17 require a contract for payments in lieu of taxes, and such project shall  
18 not be obligated to make such payments.

19 (b) Notwithstanding paragraph (a) of this subdivision, should a taxing  
20 jurisdiction adopt a law or resolution at any time within or prior to  
21 the sixty day window, indicating the taxing jurisdiction's ongoing  
22 intent to require a contract for payments in lieu of taxes for such  
23 systems, such law or resolution shall be considered notification to  
24 owners or developers and no further action is required on the part of  
25 the taxing jurisdiction, provided that such law or resolution remains in  
26 effect through the end of the sixty day notification period.

27 [The] (c) Any payment in lieu of a tax agreement shall not operate for  
28 a period of more than fifteen years, commencing in each instance from

1 the date on which the benefits of such exemption first become available  
2 and effective.

3 § 2. Subdivision 1 of section 575-a of the real property tax law, as  
4 added by section 1 of subpart F of part J of chapter 59 of the laws of  
5 2019, is amended to read as follows:

6 1. Every corporation, company, association, joint stock association,  
7 partnership and person, their lessees, trustees or receivers appointed  
8 by any court whatsoever, owning, operating or managing any electric  
9 generating facility in the state shall annually file with the commis-  
10 sioner, by April thirtieth, a report showing the inventory, revenue, and  
11 expenses associated therewith for the most recent fiscal year, and such  
12 other information as the commissioner may reasonably require. Such  
13 report shall be in the form and manner prescribed by the commissioner.

14 § 3. The real property tax law is amended by adding a new section  
15 575-b to read as follows:

16 § 575-b. Solar or wind energy systems. 1. The assessed value for solar  
17 or wind energy system, as defined in section four hundred eighty-seven  
18 of this chapter, shall be determined by an income capitalization or  
19 discounted cash flow approach that:

20 (a) Considers an appraisal model identified and published by the New  
21 York state department of taxation and finance, in consultation with the  
22 New York state energy research and development authority, within one  
23 hundred eighty days of the effective date of this section, and period-  
24 ically thereafter as appropriate; and

25 (b) Includes a solar or wind energy system discount rate published  
26 annually by the New York state department of taxation and finance.

27 2. In addition to the reports required by section five hundred seven-  
28 ty-five-a of this title, and notwithstanding any provision to the

1 contrary contained in such section, the commissioner may require the  
2 owner or operator of a solar or wind energy system, as defined in  
3 section four hundred eighty-seven of this chapter, to annually file with  
4 the commissioner, by April thirtieth, a report showing such information  
5 as the commissioner may reasonably require for the development and main-  
6 tenance of an appraisal model and discount rate.

7 3. The provisions of this section shall only apply to solar or wind  
8 energy systems with a nameplate capacity equal to or greater than one  
9 megawatt.

10 § 4. The third undesignated paragraph of section 852 of the general  
11 municipal law, as amended by chapter 630 of the laws of 1977, is amended  
12 to read as follows:

13 It is hereby further declared to be the policy of this state to  
14 protect and promote the health of the inhabitants of this state and to  
15 increase trade through promoting the development of facilities to  
16 provide recreation for the citizens of the state and to attract tourists  
17 from other states and to promote the development of renewable energy  
18 projects to support the state's renewable energy goals as may be estab-  
19 lished or amended from time to time.

20 § 5. Subdivision 4 of section 854 of the general municipal law, as  
21 amended by section 6 of part J of chapter 59 of the laws of 2013, is  
22 amended and a new subdivision 21 is added to read as follows:

23 (4) "Project" - shall mean any land, any building or other improve-  
24 ment, and all real and personal properties located within the state of  
25 New York and within or outside or partially within and partially outside  
26 the municipality for whose benefit the agency was created, including,  
27 but not limited to, machinery, equipment and other facilities deemed  
28 necessary or desirable in connection therewith, or incidental thereto,



1 whether or not now in existence or under construction, which shall be  
2 suitable for manufacturing, warehousing, research, commercial, renewable  
3 energy or industrial purposes or other economically sound purposes iden-  
4 tified and called for to implement a state designated urban cultural  
5 park management plan as provided in title G of the parks, recreation and  
6 historic preservation law and which may include or mean an industrial  
7 pollution control facility, a recreation facility, educational or  
8 cultural facility, a horse racing facility, a railroad facility, a  
9 renewable energy project or an automobile racing facility, provided,  
10 however, no agency shall use its funds or provide financial assistance  
11 in respect of any project wholly or partially outside the municipality  
12 for whose benefit the agency was created without the prior consent ther-  
13 eto by the governing body or bodies of all the other municipalities in  
14 which a part or parts of the project is, or is to be, located, and such  
15 portion of the project located outside such municipality for whose bene-  
16 fit the agency was created shall be contiguous with the portion of the  
17 project inside such municipality.

18 (21) "Renewable energy project" shall mean any project and associated  
19 real property on which the project is situated, that utilizes any system  
20 or equipment as set forth in section four hundred eighty-seven of the  
21 real property tax law or as defined pursuant to paragraph b of subdivi-  
22 sion one of section sixty-six-p of the public service law as added by  
23 chapter one hundred six of the laws of two thousand nineteen.

24 § 6. The opening paragraph of section 858 of the general municipal  
25 law, as amended by chapter 478 of the laws of 2011, is amended to read  
26 as follows:

27 The purposes of the agency shall be to promote, develop, encourage and  
28 assist in the acquiring, constructing, reconstructing, improving, main-

1 taining, equipping and furnishing industrial, manufacturing, warehous-  
2 ing, commercial, research, renewable energy and recreation facilities  
3 including industrial pollution control facilities, educational or  
4 cultural facilities, railroad facilities, horse racing facilities, auto-  
5 mobile racing facilities, renewable energy projects and continuing care  
6 retirement communities, provided, however, that, of agencies governed by  
7 this article, only agencies created for the benefit of a county and the  
8 agency created for the benefit of the city of New York shall be author-  
9 ized to provide financial assistance in any respect to a continuing care  
10 retirement community, and thereby advance the job opportunities, health,  
11 general prosperity and economic welfare of the people of the state of  
12 New York and to improve their recreation opportunities, prosperity and  
13 standard of living; and to carry out the aforesaid purposes, each agency  
14 shall have the following powers:

15 § 7. Paragraph (b) of subdivision 5 of section 859-a of the general  
16 municipal law, as added by chapter 563 of the laws of 2015, is amended  
17 to read as follows:

18 (b) a written cost-benefit analysis by the agency that identifies the  
19 extent to which a project will create or retain permanent, private  
20 sector jobs; the estimated value of any tax exemptions to be provided;  
21 the amount of private sector investment generated or likely to be gener-  
22 ated by the proposed project; the contribution of the project to the  
23 state's renewable energy goals and emission reduction targets as set  
24 forth in the state energy plan adopted pursuant to section 6-104 of the  
25 energy law; the likelihood of accomplishing the proposed project in a  
26 timely fashion; and the extent to which the proposed project will  
27 provide additional sources of revenue for municipalities and school

1 districts; and any other public benefits that might occur as a result of  
2 the project;

3 § 8. This act shall take effect immediately.

4 PART Y

5 Section 1. Legislative intent. Article 1 Section 9 of the New York  
6 State Constitution was recently amended and provides "casino gambling at  
7 no more than seven facilities as authorized and prescribed by the legis-  
8 lature shall hereafter be authorized or allowed within this state." It  
9 is the sense of the legislature that this provision is not contravened  
10 by a statute which authorizes the acceptance of a wager by an individual  
11 who is betting by virtual or electronic means; provided that it meets  
12 other safeguards ensuring that the plain text of this provision is  
13 honored in such structure. Sports wagering is now legal online in 14  
14 states, including the bordering states of New Jersey and Pennsylvania,  
15 while it is only permitted in person in New York at four upstate commer-  
16 cial gaming facilities and Native American Class III gaming facilities.  
17 An industry study found that nearly 20 percent of New Jersey's online  
18 sports wagering revenue comes from New York residents, costing the state  
19 millions of dollars in lost tax revenue.

20 § 2. Section 1367 of the racing, pari-mutuel wagering and breeding law  
21 is amended by adding a new subdivision 7 to read as follows:

22 7. (a) A licensed gaming facility operating a sports pool pursuant to  
23 subdivision three of this section may offer mobile sports wagering when  
24 conducted in conformance with section one thousand three hundred sixty-  
25 seven-a of this title.

1 (b) Notwithstanding section one thousand three hundred fifty-one of  
2 this article, mobile sports wagering revenue shall be excluded from  
3 gross gaming revenue and shall be separately maintained and returned to  
4 the state for deposit into the state lottery fund for education aid, on  
5 a schedule determined by the commission.

6 § 3. The racing, pari-mutuel wagering and breeding law is amended by  
7 adding a new section 1367-a to read as follows:

8 § 1367-a. Mobile sports wagering. Mobile sports wagering shall be  
9 permitted by the commission through a platform provider or providers  
10 selected pursuant to a competitive bidding process conducted by the  
11 commission. The winning platform provider or providers shall use the  
12 technology necessary to ensure all bettors are physically within  
13 approved locations within the state and ensure the necessary safeguards  
14 against abuses and addictions are in place. Any such contracts entered  
15 by the commission are subject to applicable state laws, regulations and  
16 practices.

17 § 4. Subdivision 1 of section 1351 of the racing, pari-mutuel wagering  
18 and breeding law, as added by chapter 174 of the laws of 2013, is  
19 amended to read as follows:

20 1. (a) For a gaming facility in zone two, there is hereby imposed a  
21 tax on gross gaming revenues. The amount of such tax imposed shall be  
22 as follows[; provided, however, should a licensee have agreed within its  
23 application to supplement the tax with a binding supplemental fee  
24 payment exceeding the aforementioned tax rate, such tax and supplemental  
25 fee shall apply for a gaming facility]:

26 [(a)] (1) in region two, forty-five percent of gross gaming revenue  
27 from slot machines and ten percent of gross gaming revenue from all  
28 other sources.

1 [(b)] (2) in region one, thirty-nine percent of gross gaming revenue  
2 from slot machines and ten percent of gross gaming revenue from all  
3 other sources.

4 [(c)] (3) in region five, thirty-seven percent of gross gaming revenue  
5 from slot machines and ten percent of gross gaming revenue from all  
6 other sources.

7 (b) (1) Notwithstanding the rates in paragraph (a) of this subdivi-  
8 sion, a gaming facility may petition the commission to lower their slot  
9 tax rate to no lower than twenty-five percent. The commission shall  
10 evaluate the petition using the following criteria:

11 (i) the ability of the licensee to satisfy the license criterion of  
12 financial stability absent the tax rate reduction;

13 (ii) a complete examination of all financial projections, as well as  
14 gaming revenues generated for the prior annual period;

15 (iii) the licensee's intended use of the funds resulting from a tax  
16 adjustment;

17 (iv) the inability of the operator to remain competitive under the  
18 current tax structure;

19 (v) positions advanced by other gaming operators in the state in  
20 response to the petition;

21 (vi) the impact on the competitive landscape;

22 (vii) other economic factors such as employment and the potential  
23 impact upon other businesses in the region; and

24 (viii) the public interest to be served by a tax adjustment, including  
25 the impact upon the state in the event the operator is unable to remain  
26 financially viable.

27 (2) The commission shall report their recommendation to the director  
28 of the division of budget who will make a final determination.

1 § 5. This act shall take effect immediately; provided, however, that  
2 section four of this act shall take effect sixty days after mobile  
3 sports wagering commences and shall expire and be deemed repealed one  
4 year after such date.

5 PART Z

6 Section 1. The gaming commission shall issue a request for information  
7 for the purpose of soliciting interest regarding the three unawarded  
8 gaming facility licenses authorized by the state constitution. Such  
9 request shall seek information from parties interested in developing  
10 and/or operating such gaming facilities which shall inform the commis-  
11 sion for the purposes of determining: the appropriate size and scope of  
12 development, the value of the gaming facility license, and the process  
13 that should be used in award consideration.

14 § 2. This act shall take effect immediately.

15 PART AA

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

19 (1) sixty percent of the total amount for which tickets have been sold  
20 for [a lawful lottery] the Quick Draw game [introduced on or after the  
21 effective date of this paragraph,] subject to [the following provisions:

22 (A) such game shall be available only on premises occupied by licensed  
23 lottery sales agents, subject to the following provisions:

1 (i) if the licensee does not hold a license issued pursuant to the  
2 alcoholic beverage control law to sell alcoholic beverages for consump-  
3 tion on the premises, then the premises must have a minimum square  
4 footage greater than two thousand five hundred square feet;

5 (ii) notwithstanding the foregoing provisions, television equipment  
6 that automatically displays the results of such drawings may be  
7 installed and used without regard to the square footage if such premises  
8 are used as:

9 (I) a commercial bowling establishment, or

10 (II) a facility authorized under the racing, pari-mutuel wagering and  
11 breeding law to accept pari-mutuel wagers;

12 (B) the] rules for the operation of such game [shall be] as prescribed  
13 by regulations promulgated and adopted by the [division, provided howev-  
14 er, that such rules shall provide that no person under the age of twen-  
15 ty-one may participate in such games on the premises of a licensee who  
16 holds a license issued pursuant to the alcoholic beverage control law to  
17 sell alcoholic beverages for consumption on the premises; and, provided,  
18 further, that such regulations may be revised on an emergency basis not  
19 later than ninety days after the enactment of this paragraph in order to  
20 conform such regulations to the requirements of this paragraph] commis-  
21 sion; or

22 § 2. This act shall take effect immediately.

23 PART BB

24 Section 1. Paragraphs 4 and 5 of subdivision a of section 1612 of the  
25 tax law, as amended by chapter 174 of the laws of 2013, are amended to  
26 read as follows:

1 (4) fifty percent of the total amount for which tickets have been sold  
2 for games known as: (A) the "Daily Numbers Game" or "Win 4", discrete  
3 games in which the participants select no more than three or four of  
4 their own numbers to match with three or four numbers drawn by the  
5 [division] commission for purposes of determining winners of such games,  
6 (B) "Pick 10", [offered no more than once daily,] in which participants  
7 select from a specified field of numbers a subset of ten numbers to  
8 match against a subset of numbers to be drawn by the [division] commis-  
9 sion from such field of numbers for the purpose of determining winners  
10 of such game, (C) "Take 5", [offered no more than once daily,] in which  
11 participants select from a specified field of numbers a subset of five  
12 numbers to match against a subset of five numbers to be drawn by the  
13 [division] commission from such field of numbers for purposes of deter-  
14 mining winners of such game; or

15 (5) forty percent of the total amount for which tickets have been sold  
16 for: (A) "Lotto", [offered no more than once daily,] a discrete game in  
17 which all participants select a specific subset of numbers to match a  
18 specific subset of numbers, as prescribed by rules and regulations  
19 promulgated and adopted by the [division] commission, from a larger  
20 specific field of numbers, as also prescribed by such rules and regu-  
21 lations and (B) with the exception of the game described in paragraph  
22 one of this subdivision, such other state-operated lottery games [which]  
23 that the [division] commission may introduce, [offered no more than once  
24 daily,] commencing on or after forty-five days following the official  
25 publication of the rules and regulations for such game.

26 § 2. This act shall take effect immediately.



1 Section 1. Sections 1368, 1369, 1370 and 1371 of the racing, pari-mu-  
2 tuel wagering and breeding law are renumbered sections 130, 131, 132 and  
3 133.

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

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

9 § 130. [Establishment of the] The office of gaming inspector general.  
10 [There is hereby created within the commission the office of gaming  
11 inspector general. The head of the office shall be the gaming inspector  
12 general who shall be appointed by the governor by and with the advice  
13 and consent of the senate. The inspector general shall serve at the  
14 pleasure of the governor. The inspector general shall report directly to  
15 the governor. The person appointed as inspector general shall, upon his  
16 or her appointment, have not less than ten years professional experience  
17 in law, investigation, or auditing. The inspector general shall be  
18 compensated within the limits of funds available therefor, provided,  
19 however, such salary shall be no less than the salaries of certain state  
20 officers holding the positions indicated in paragraph (a) of subdivision  
21 one of section one hundred sixty-nine of the executive law.] The duties  
22 and responsibilities of the former office of the gaming inspector gener-  
23 al are transferred to and encompassed by the office of the state inspec-  
24 tor general as expressly referenced in article four-A of the executive  
25 law.

26 § 4. Section 131 of the racing, pari-mutuel wagering and breeding law,  
27 as added by chapter 174 of the laws of 2013 and as renumbered by section  
28 one of this act, is amended to read as follows:

1 § 131. [State gaming] Gaming inspector general; functions and duties.  
2 The [state] gaming inspector general shall have the following duties and  
3 responsibilities:

- 4 1. receive and investigate complaints from any source, or upon his or  
5 her own initiative, concerning allegations of corruption, fraud, crimi-  
6 nal activity, conflicts of interest or abuse in the commission;
- 7 2. [inform the commission members of such allegations and the progress  
8 of investigations related thereto, unless special circumstances require  
9 confidentiality;
- 10 3.] determine with respect to such allegations whether disciplinary  
11 action, civil or criminal prosecution, or further investigation by an  
12 appropriate federal, state or local agency is warranted, and to assist  
13 in such investigations;
- 14 [4.] 3. prepare and release to the public written reports of such  
15 investigations, as appropriate and to the extent permitted by law,  
16 subject to redaction to protect the confidentiality of witnesses. The  
17 release of all or portions of such reports may be deferred to protect  
18 the confidentiality of ongoing investigations;
- 19 [5.] 4. review and examine periodically the policies and procedures of  
20 the commission with regard to the prevention and detection of  
21 corruption, fraud, criminal activity, conflicts of interest or abuse;
- 22 [6.] 5. recommend remedial action to prevent or eliminate corruption,  
23 fraud, criminal activity, conflicts of interest or abuse in the commis-  
24 sion; and
- 25 [7.] 6. establish programs for training commission officers and  
26 employees [regarding] in regard to the prevention and elimination of  
27 corruption, fraud, criminal activity, conflicts of interest or abuse in  
28 the commission.

1 § 5. Section 132 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 § 132. Powers. The [state] gaming inspector general shall have the  
5 power to:

- 6 1. subpoena and enforce the attendance of witnesses;
- 7 2. administer oaths or affirmations and examine witnesses under oath;
- 8 3. require the production of any books and papers deemed relevant or  
9 material to any investigation, examination or review;
- 10 4. notwithstanding any law to the contrary, examine and copy or remove  
11 documents or records of any kind prepared, maintained or held by the  
12 commission;
- 13 5. require any commission officer or employee to answer questions  
14 concerning any matter related to the performance of his or her official  
15 duties. No statement or other evidence derived therefrom may be used  
16 against such officer or employee in any subsequent criminal prosecution  
17 other than for perjury or contempt arising from such testimony. The  
18 refusal of any officer or employee to answer questions shall be cause  
19 for removal from office or employment or other appropriate penalty;
- 20 6. monitor the implementation by the commission of any recommendations  
21 made by the state inspector general; and
- 22 7. perform any other functions that are necessary or appropriate to  
23 fulfill the duties and responsibilities of the office.

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

27 § 133. Responsibilities of the commission and its officers and employ-  
28 ees. 1. Every commission officer or employee shall report promptly to

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

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

17 § 7. The racing, pari-mutuel wagering and breeding law is amended by  
18 adding a new section 134 to read as follows:

19 § 134. Transfer of employees. Upon the transfer of functions,  
20 powers, duties and obligations to the office of the state inspector  
21 general pursuant to this article, provision shall be made for the  
22 transfer of all gaming inspector general employees from within the  
23 gaming commission into the office of the state inspector general.  
24 Employees so transferred shall be transferred without further exam-  
25 ination or qualification to the same or similar titles, shall  
26 remain in the same collective bargaining units and shall retain their  
27 respective civil service classifications, status and rights pursuant to

1 their collective bargaining units and collective bargaining agree-  
2 ments.

3 § 8. The racing, pari-mutuel wagering and breeding law is amended by  
4 adding a new section 135 to read as follows:

5 § 135. Transfer of records. All books, papers, records and property of  
6 the gaming inspector general within the gaming commission with respect  
7 to the functions, powers, duties and obligations transferred by  
8 section one hundred thirty of this article, are to be delivered to the  
9 appropriate successor offices within the office of the state inspector  
10 general, at such place and time, and in such manner as the office of  
11 the state inspector general may require.

12 § 9. This act shall take effect on the sixtieth day after it shall  
13 have become a law.

14 PART DD

15 Section 1. Paragraph (a) of subdivision 1 of section 1003 of the  
16 racing, pari-mutuel wagering and breeding law, as amended by section 1  
17 of part Z of chapter 59 of the laws of 2020, is amended to read as  
18 follows:

19 (a) Any racing association or corporation or regional off-track  
20 betting corporation, authorized to conduct pari-mutuel wagering under  
21 this chapter, desiring to display the simulcast of horse races on which  
22 pari-mutuel betting shall be permitted in the manner and subject to the  
23 conditions provided for in this article may apply to the commission for  
24 a license so to do. Applications for licenses shall be in such form as  
25 may be prescribed by the commission and shall contain such information  
26 or other material or evidence as the commission may require. No license

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

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

19 § 2. Subparagraph (iii) of paragraph d of subdivision 3 of section  
20 1007 of the racing, pari-mutuel wagering and breeding law, as separately  
21 amended by chapter 243 and section 2 of part Z of chapter 59 of the laws  
22 of 2020, is amended to read as follows:

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

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

7 § 3. The opening paragraph of subdivision 1 of section 1014 of the  
8 racing, pari-mutuel wagering and breeding law, as separately amended by  
9 section 3 of part Z of chapter 59 and chapter 243 of the laws of 2020,  
10 is amended to read as follows:

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



1 § 4. Subdivision 1 of section 1015 of the racing, pari-mutuel wagering  
2 and breeding law, as amended by section 4 of part Z of chapter 59 of the  
3 laws of 2020, is amended to read as follows:

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

9 § 5. The opening paragraph of subdivision 1 of section 1016 of the  
10 racing, pari-mutuel wagering and breeding law, as amended by section 5  
11 of part Z of chapter 59 of the laws of 2020, is amended to read as  
12 follows:

13 The provisions of this section shall govern the simulcasting of races  
14 conducted at thoroughbred tracks located in another state or country on  
15 any day during which a franchised corporation is not conducting a race  
16 meeting in Saratoga county at Saratoga thoroughbred racetrack until June  
17 thirtieth, two thousand [twenty-one] twenty-two. Every off-track  
18 betting corporation branch office and every simulcasting facility  
19 licensed in accordance with section one thousand seven that have entered  
20 into a written agreement with such facility's representative horsemen's  
21 organization as approved by the commission, one thousand eight or one  
22 thousand nine of this article shall be authorized to accept wagers and  
23 display the live full-card simulcast signal of thoroughbred tracks  
24 (which may include quarter horse or mixed meetings provided that all  
25 such wagering on such races shall be construed to be thoroughbred races)  
26 located in another state or foreign country, subject to the following  
27 provisions; provided, however, no such written agreement shall be

1 required of a franchised corporation licensed in accordance with section  
2 one thousand seven of this article:

3 § 6. The opening paragraph of section 1018 of the racing, pari-mutuel  
4 wagering and breeding law, as amended by section 6 of part Z of chapter  
5 59 of the laws of 2020, is amended to read as follows:

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

21 § 7. Section 32 of chapter 281 of the laws of 1994, amending the  
22 racing, pari-mutuel wagering and breeding law and other laws relating to  
23 simulcasting, as amended by section 7 of part Z of chapter 59 of the  
24 laws of 2020, is amended to read as follows:

25 § 32. This act shall take effect immediately and the pari-mutuel tax  
26 reductions in section six of this act shall expire and be deemed  
27 repealed on July 1, [2021] 2022; provided, however, that nothing  
28 contained herein shall be deemed to affect the application, qualifica-

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

8 § 8. Section 54 of chapter 346 of the laws of 1990, amending the  
9 racing, pari-mutuel wagering and breeding law and other laws relating to  
10 simulcasting and the imposition of certain taxes, as amended by section  
11 8 of part Z of chapter 59 of the laws of 2020, is amended to read as  
12 follows:

13 § 54. This act shall take effect immediately; provided, however,  
14 sections three through twelve of this act shall take effect on January  
15 1, 1991, and section 1013 of the racing, pari-mutuel wagering and breed-  
16 ing law, as added by section thirty-eight of this act, shall expire and  
17 be deemed repealed on July 1, [2021] 2022; and section eighteen of this  
18 act shall take effect on July 1, 2008 and sections fifty-one and fifty-  
19 two of this act shall take effect as of the same date as chapter 772 of  
20 the laws of 1989 took effect.

21 § 9. Paragraph (a) of subdivision 1 of section 238 of the racing,  
22 pari-mutuel wagering and breeding law, as separately amended by section  
23 9 of part Z of chapter 59 and chapter 243 of the laws of 2020, is  
24 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 are presented for payment

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

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

5 For the period April first, two thousand one through December thirty-  
6 first, two thousand [twenty-one] twenty-two, such tax on all wagers  
7 shall be one and six-tenths percent, plus, in each such period, twenty  
8 percent of the breaks. Payment to the New York state thoroughbred breed-  
9 ing and development fund by such franchised corporation shall be one-  
10 half of one percent of total daily on-track pari-mutuel pools resulting  
11 from regular, multiple and exotic bets and three percent of super exotic  
12 bets and for the period April first, two thousand one through December  
13 thirty-first, two thousand [twenty-one] twenty-two, such payment shall  
14 be seven-tenths of one percent of regular, multiple and exotic pools.

15 § 10. This act shall take effect immediately.

16

#### PART EE

17 Section 1. Section 19 of part W-1 of chapter 109 of the laws of 2006  
18 amending the tax law and other laws relating to providing exemptions,  
19 reimbursements and credits from various taxes for certain alternative  
20 fuels, as amended by section 1 of part U of chapter 60 of the laws of  
21 2016, is amended to read as follows:

22 § 19. This act shall take effect immediately; provided, however, that  
23 sections one through thirteen of this act shall take effect September 1,  
24 2006 and shall be deemed repealed on September 1, [2021] 2026 and such  
25 repeal shall apply in accordance with the applicable transitional  
26 provisions of sections 1106 and 1217 of the tax law, and shall apply to

1 sales made, fuel compounded or manufactured, and uses occurring on or  
2 after such date, and with respect to sections seven through eleven of  
3 this act, in accordance with applicable transitional provisions of  
4 sections 1106 and 1217 of the tax law; provided, however, that the  
5 commissioner of taxation and finance shall be authorized on and after  
6 the date this act shall have become a law to adopt and amend any rules  
7 or regulations and to take any steps necessary to implement the  
8 provisions of this act; provided further that sections fourteen through  
9 sixteen of this act shall take effect immediately and shall apply to  
10 taxable years beginning on or after January 1, 2006.

11 § 2. This act shall take effect immediately.

12 PART FF

13 Section 1. Subsection (e) of section 42 of the tax law, as added by  
14 section 1 of part RR of chapter 60 of the laws of 2016, is amended to  
15 read as follows:

16 (e) For taxable years beginning on or after January first, two thou-  
17 sand seventeen and before January first, two thousand eighteen, the  
18 amount of the credit allowed under this section shall be equal to the  
19 product of the total number of eligible farm employees and two hundred  
20 fifty dollars. For taxable years beginning on or after January first,  
21 two thousand eighteen and before January first, two thousand nineteen,  
22 the amount of the credit allowed under this section shall be equal to  
23 the product of the total number of eligible farm employees and three  
24 hundred dollars. For taxable years beginning on or after January first,  
25 two thousand nineteen and before January first, two thousand twenty, the  
26 amount of the credit allowed under this section shall be equal to the

1 product of the total number of eligible farm employees and five hundred  
2 dollars. For taxable years beginning on or after January first, two  
3 thousand twenty and before January first, two thousand twenty-one, the  
4 amount of the credit allowed under this section shall be equal to the  
5 product of the total number of eligible farm employees and four hundred  
6 dollars. For taxable years beginning on or after January first, two  
7 thousand twenty-one and before January first, two thousand [twenty-two]  
8 twenty-five, the amount of the credit allowed under this section shall  
9 be equal to the product of the total number of eligible farm employees  
10 and six hundred dollars.

11 § 2. Section 5 of part RR of chapter 60 of the laws of 2016 amending  
12 the tax law relating to creating a farm workforce retention credit is  
13 amended to read as follows:

14 § 5. This act shall take effect immediately and shall apply only to  
15 taxable years beginning on or after January 1, 2017 and before January  
16 1, [2022] 2025.

17 § 3. This act shall take effect immediately.

18 PART GG

19 Section 1. Subdivision 4 of section 22 of the public housing law, as  
20 amended by section 5 of part H of chapter 60 of the laws of 2016, is  
21 amended to read as follows:

22 4. Statewide limitation. The aggregate dollar amount of credit which  
23 the commissioner may allocate to eligible low-income buildings under  
24 this article shall be one hundred [four] twelve million dollars. The  
25 limitation provided by this subdivision applies only to allocation of  
26 the aggregate dollar amount of credit by the commissioner, and does not

1 apply to allowance to a taxpayer of the credit with respect to an eligi-  
2 ble low-income building for each year of the credit period.

3 § 2. Subdivision 4 of section 22 of the public housing law, as amended  
4 by section one of this act, is amended to read as follows:

5 4. Statewide limitation. The aggregate dollar amount of credit which  
6 the commissioner may allocate to eligible low-income buildings under  
7 this article shall be one hundred [twelve] twenty million dollars. The  
8 limitation provided by this subdivision applies only to allocation of  
9 the aggregate dollar amount of credit by the commissioner, and does not  
10 apply to allowance to a taxpayer of the credit with respect to an eligi-  
11 ble low-income building for each year of the credit period.

12 § 3. Subdivision 4 of section 22 of the public housing law, as amended  
13 by section two of this act, is amended to read as follows:

14 4. Statewide limitation. The aggregate dollar amount of credit which  
15 the commissioner may allocate to eligible low-income buildings under  
16 this article shall be one hundred [twenty] twenty-eight million dollars.  
17 The limitation provided by this subdivision applies only to allocation  
18 of the aggregate dollar amount of credit by the commissioner, and does  
19 not apply to allowance to a taxpayer of the credit with respect to an  
20 eligible low-income building for each year of the credit period.

21 § 4. Subdivision 4 of section 22 of the public housing law, as amended  
22 by section three of this act, is amended to read as follows:

23 4. Statewide limitation. The aggregate dollar amount of credit which  
24 the commissioner may allocate to eligible low-income buildings under  
25 this article shall be one hundred [twenty-eight] thirty-six million  
26 dollars. The limitation provided by this subdivision applies only to  
27 allocation of the aggregate dollar amount of credit by the commissioner,



1 and does not apply to allowance to a taxpayer of the credit with respect  
2 to an eligible low-income building for each year of the credit period.

3 § 5. Subdivision 4 of section 22 of the public housing law, as amended  
4 by section four of this act, is amended to read as follows:

5 4. Statewide limitation. The aggregate dollar amount of credit which  
6 the commissioner may allocate to eligible low-income buildings under  
7 this article shall be one hundred [thirty-six] forty-four million  
8 dollars. The limitation provided by this subdivision applies only to  
9 allocation of the aggregate dollar amount of credit by the commissioner,  
10 and does not apply to allowance to a taxpayer of the credit with respect  
11 to an eligible low-income building for each year of the credit period.

12 § 6. This act shall take effect immediately; provided, however,  
13 section two of this act shall take effect April 1, 2022; section three  
14 of this act shall take effect April 1, 2023; section four of this act  
15 shall take effect April 1, 2024; and section five of this act shall take  
16 effect April 1, 2025.

17 PART HH

18 Section 1. Section 5 of part HH of chapter 59 of the laws of 2014,  
19 amending the tax law relating to a musical and theatrical production  
20 credit, as amended by section 1 of part III of chapter 59 of the laws of  
21 2018, is amended to read as follows:

22 § 5. This act shall take effect immediately, provided that section two  
23 of this act shall take effect on January 1, 2015, and shall apply to  
24 taxable years beginning on or after January 1, 2015, with respect to  
25 "qualified production expenditures" and "transportation expenditures"  
26 paid or incurred on or after such effective date, regardless of whether

1 the production of the qualified musical or theatrical production  
2 commenced before such date, provided further that this act shall expire  
3 and be deemed repealed [8 years after such date] January 1, 2026.

4 § 2. Paragraph 1 of subdivision (e) of section 24-a of the tax law, as  
5 added by section 1 of part HH of chapter 59 of the laws of 2014, is  
6 amended to read as follows:

7 (1) The aggregate amount of tax credits allowed under this section,  
8 subdivision forty-seven of section two hundred ten-B and subsection (u)  
9 of section six hundred six of this chapter in any calendar year shall be  
10 [four] eight million dollars. Such aggregate amount of credits shall be  
11 allocated by the department of economic development among taxpayers in  
12 order of priority based upon the date of filing an application for allo-  
13 cation of musical and theatrical production credit with such department.  
14 If the total amount of allocated credits applied for in any particular  
15 year exceeds the aggregate amount of tax credits allowed for such year  
16 under this section, such excess shall be treated as having been applied  
17 for on the first day of the subsequent year.

18 § 3. This act shall take effect immediately, provided, however, that  
19 the amendments to section 24-a of the tax law made by section two of  
20 this act shall not affect the expiration and repeal of such section and  
21 shall be deemed to expire and repeal therewith.

22 PART II

23 Section 1. Paragraph (a) and subparagraph 2 of paragraph (b) of subdi-  
24 vision 29 of section 210-B of the tax law, as amended by section 1 of  
25 part B of chapter 59 of the laws of 2020, are amended to read as  
26 follows:

1 (a) Allowance of credit. For taxable years beginning on or after Janu-  
2 ary first, two thousand fifteen and before January first, two thousand  
3 [twenty-two] twenty-four, a taxpayer shall be allowed a credit, to be  
4 computed as provided in this subdivision, against the tax imposed by  
5 this article, for hiring and employing, for not less than one year and  
6 for not less than thirty-five hours each week, a qualified veteran with-  
7 in the state. The taxpayer may claim the credit in the year in which  
8 the qualified veteran completes one year of employment by the taxpayer.  
9 If the taxpayer claims the credit allowed under this subdivision, the  
10 taxpayer may not use the hiring of a qualified veteran that is the basis  
11 for this credit in the basis of any other credit allowed under this  
12 article.

13 (2) who commences employment by the qualified taxpayer on or after  
14 January first, two thousand fourteen, and before January first, two  
15 thousand [twenty-one] twenty-three; and

16 § 2. Paragraph 1 and subparagraph (B) of paragraph 2 of subsection  
17 (a-2) of section 606 of the tax law, as amended by section 2 of part B  
18 of chapter 59 of the laws of 2020, are amended to read as follows:

19 (1) Allowance of credit. For taxable years beginning on or after Janu-  
20 ary first, two thousand fifteen and before January first, two thousand  
21 [twenty-two] twenty-four, a taxpayer shall be allowed a credit, to be  
22 computed as provided in this subsection, against the tax imposed by this  
23 article, for hiring and employing, for not less than one year and for  
24 not less than thirty-five hours each week, a qualified veteran within  
25 the state. The taxpayer may claim the credit in the year in which the  
26 qualified veteran completes one year of employment by the taxpayer. If  
27 the taxpayer claims the credit allowed under this subsection, the  
28 taxpayer may not use the hiring of a qualified veteran that is the basis

1 for this credit in the basis of any other credit allowed under this  
2 article.

3 (B) who commences employment by the qualified taxpayer on or after  
4 January first, two thousand fourteen, and before January first, two  
5 thousand [twenty-one] twenty-three; and

6 § 3. Paragraph 1 and subparagraph (B) of paragraph 2 of subdivision  
7 (g-1) of section 1511 of the tax law, as amended by section 3 of part B  
8 of chapter 59 of the laws of 2020, are amended to read as follows:

9 (1) Allowance of credit. For taxable years beginning on or after Janu-  
10 ary first, two thousand fifteen and before January first, two thousand  
11 [twenty-two] twenty-four, a taxpayer shall be allowed a credit, to be  
12 computed as provided in this subdivision, against the tax imposed by  
13 this article, for hiring and employing, for not less than one year and  
14 for not less than thirty-five hours each week, a qualified veteran with-  
15 in the state. The taxpayer may claim the credit in the year in which  
16 the qualified veteran completes one year of employment by the taxpayer.  
17 If the taxpayer claims the credit allowed under this subdivision, the  
18 taxpayer may not use the hiring of a qualified veteran that is the basis  
19 for this credit in the basis of any other credit allowed under this  
20 article.

21 (B) who commences employment by the qualified taxpayer on or after  
22 January first, two thousand fourteen, and before January first, two  
23 thousand [twenty-one] twenty-three; and

24 § 4. This act shall take effect immediately.

1 Section 1. Section 12 of part V of chapter 61 of the laws of 2011,  
2 amending the economic development law, the tax law and the real property  
3 tax law, relating to establishing the economic transformation and facil-  
4 ity redevelopment program and providing tax benefits under that program,  
5 is amended to read as follows:

6 § 12. This act shall take effect immediately and shall expire and be  
7 deemed repealed December 31, [2021] 2026.

8 § 2. Paragraph (a) of subdivision 11 of section 400 of the economic  
9 development law, as amended by section 1 of part GG of chapter 58 of the  
10 laws of 2020, is amended to read as follows:

11 (a) a correctional facility, as defined in paragraph (a) of subdivi-  
12 sion four of section two of the correction law, that has been selected  
13 by the governor of the state of New York for closure after April first,  
14 two thousand eleven but no later than March thirty-first, two thousand  
15 [twenty-one] twenty-six; or

16 § 3. This act shall take effect immediately; provided, however, that  
17 the amendments to section 400 of the economic development law made by  
18 section two of this act shall not affect the repeal of such section and  
19 shall be deemed repealed therewith.

20 PART KK

21 Section 1. The opening paragraph of section 1310 of the general busi-  
22 ness law, as added by section 2 of part X of chapter 55 of the laws of  
23 2018, is amended to read as follows:

24 Except as otherwise provided in this article, the program shall be  
25 implemented, and enrollment of employees shall begin[, within twenty-  
26 four months after the effective date of this article] no later than

1 December thirty-first, two thousand twenty-one. The provisions of this  
2 section shall be in force after the board opens the program for enroll-  
3 ment.

4 § 2. Section 1315 of the general business law, as added by section 2  
5 of part X of chapter 55 of the laws of 2018, is amended to read as  
6 follows:

7 § 1315. Delayed implementation. The board may delay the implementation  
8 of the program an additional twelve months beyond the [twenty-four  
9 months] date established in section thirteen hundred ten of this article  
10 if the board determines that further delay is necessary to address  
11 legal, financial or other programmatic concerns impacting the viability  
12 of the program. The board shall provide reasonable notice of such delay  
13 to the governor, the commissioner, the speaker of the assembly, the  
14 temporary president of the senate, the chair of the assembly ways and  
15 means committee, the chair of the senate finance committee, the chair of  
16 the assembly labor committee, and the chair of the senate labor commit-  
17 tee.

18 § 3. This act shall take effect immediately.

19 PART LL

20 Section 1. For the period from and after March 1, 2020 until such time  
21 as the licensee and the video lottery gaming facility that are each  
22 subject to subdivision 2 of section 1355 of the racing, pari-mutuel  
23 wagering and breeding law, as added by the Upstate New York Gaming  
24 Economic Development Act of 2013, as amended, have each been continuous-  
25 ly operating without any restrictions related to Covid-19 for at least  
26 six full and consecutive calendar months, the payments to the relevant

1 horsemen and breeders required by subdivision 2 of section 1355 of the  
2 racing, pari-mutuel wagering and breeding law, as added by the Upstate  
3 New York Gaming Economic Development Act of 2013, as amended, shall not  
4 accrue and shall be permanently waived and forgiven. The accrual and  
5 obligation to make payments under such subdivision 2 of such section  
6 1355 shall recommence at such time as the licensee and the video lottery  
7 gaming facility that are each subject to such subdivision 2 of such  
8 section 1355 have each been continuously operating without any  
9 restrictions related to Covid-19 for at least six full and consecutive  
10 calendar months. Payments to the relevant horsemen and breeders for the  
11 period beginning January 1, 2020 through February 28, 2020 shall be  
12 payable in six equal monthly installments of \$106,407 per month over a  
13 six-month period beginning with the first month after the licensee has  
14 been continuously operating without any restrictions related to Covid-19  
15 for at least six full and consecutive calendar months.

16 § 2. This act shall take effect immediately.

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

26 § 3. This act shall take effect immediately provided, however, that  
27 the applicable effective date of Parts A through LL of this act shall be  
28 as specifically set forth in the last section of such Parts.