



Legislation Text

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Res. No. 742

Resolution calling upon the New York State legislature to pass, and the Governor to sign, legislation allowing localities to establish any prohibition on public consumption of marijuana and any related civil penalties.

By Council Members Richards, Holden, Lander and Kallos

Whereas, The Governor has identified legalizing recreational marijuana as a major priority for the upcoming legislative session; and

Whereas, Legalizing recreational marijuana provides the State and City an opportunity to truly undue the harsh consequences of decades of policies and practices that have disproportionately harmed communities of color; and

Whereas, As the largest and one of the most densely populated cities in the state and country, New York City has an array of complex and unique characteristics, unlike other parts of the State, that require unique approaches to the legalization of marijuana; and

Whereas, For example, smoking marijuana within the confines of one's home might not pose a problem for residents in regional parts of the State, but as many New Yorkers live in apartment buildings or dwellings, marijuana usage could pose as a significant nuisance for some neighbors; and

Whereas, This issue is further complicated when considering regulations to govern the smoking of marijuana in shared gardens, stoops, and rooftop spaces, which are common in New York City dwellings; and

Whereas, The use of marijuana in public housing also poses unique legislation challenges, as federal laws mandate all public housing to be smoke free; and

Whereas, Many of these complexities informed the Smoke Free Act, passed by the New York City Council in 2003, which regulates the use of tobacco and e-cigarettes in public spaces; and

Whereas, Over the years, the enforcement of marijuana use and possession in New York has resulted in significant racial disparities; and

Whereas, According to the Misdemeanor Justice Project at John Jay College of Criminal Justice, marijuana-related arrests made between 1993 and 2016 were overwhelmingly of Black and Latino men; and

Whereas, In 2016, Black people were 7.8 times more likely to be arrested for marijuana than white people in New York City; and

Whereas, Arrests and convictions for marijuana-related charges have carried significant collateral consequences, including the loss of employment, housing, access to higher education, and immigration status; and

Whereas, According to the Drug Policy Alliance, in states in which recreational marijuana has been legalized, racial disparities persist in arrests despite similar rates of use and sales across racial groups; and

Whereas, As the legalization of marijuana in several states has not proven to end racial disparities, the City must consider what enforcement strategies are necessary to balance public safety and racial equity; and

Whereas, The City should be charged with assessing and enforcing a penalty structure, including civil penalties, in accordance with these concerns; and

Whereas, The parameters by which marijuana can be used in public should commensurate with City laws and guidelines to ensure fairness and consistent practices; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass, and the Governor to sign, legislation allowing localities to establish any prohibition on public consumption of marijuana and any related civil penalties.

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