



Legislation Text

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Int. No. 1001

By Council Members Schulman, Menin, Yeger, Richardson Jordan, Velázquez, Hudson, Joseph, Brooks-Powers, Brannan, Louis, Feliz, Marte, Ossé, Ung, Gennaro, Powers, Hanks, Lee, Narcisse, Abreu, Brewer, Bottcher, Dinowitz, Avilés, Paladino, Ariola and Vernikov

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting owners of commercial premises from knowingly leasing commercial premises to unlicensed cannabis sellers and requiring the sheriff to produce a monthly report on enforcement relating to unlicensed cannabis sellers

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-186 to read as follows:

§ 10-186 Leasing commercial premises to unlicensed cannabis sellers. a. Definitions. For the purposes of this section the following terms have the following meanings:

1. The terms “cannabis,” “cannabis product,” “distributor,” and “retailer” have the same meanings as set forth in section 3 of the cannabis law.

2. Unlicensed cannabis seller. The term “unlicensed cannabis seller” means a retailer, distributor, or other seller of cannabis or cannabis products operating without a license pursuant to article 4 of the cannabis law.

b. No person shall knowingly lease commercial premises to an unlicensed cannabis seller who uses or intends to use such commercial premises to distribute, sell, or offer to sell cannabis or cannabis products. It shall be an affirmative defense to a violation of this subdivision that the owner of the commercial premises has commenced a proceeding to evict such unlicensed cannabis seller.

c. The first time that the sheriff, the police department, or any other agency finds that an unlicensed

cannabis seller is distributing, selling, or offering to sell cannabis or cannabis products in commercial premises that the unlicensed cannabis seller has leased, the sheriff, police department or other agency shall issue a written warning to the owner of the premises by certified mail. Such warning shall constitute presumptive evidence that the owner knowingly leases commercial premises in violation of subdivision b of this section.

d. If the sheriff, the police department, or any other agency finds that an unlicensed cannabis seller is distributing, selling, or offering to sell cannabis or cannabis products in commercial premises and the owner of such premises has previously been issued a warning pursuant to subdivision c of this section regarding the same premises, the owner shall be liable for the civil penalties set forth in subdivision e of this section.

e. Any person who violates subdivision b of this section shall be liable for a civil penalty of \$1,000 for the first violation and \$2,000 for each subsequent violation.

§ 2. Chapter 5 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-517 to read as follows:

§ 7-517 Report on enforcement against unlicensed cannabis sellers. a. Definitions. For the purposes of this section the following terms have the following meanings:

1. The terms “cannabis,” “cannabis product,” “distributor,” and “retailer” have the same meanings as set forth in section 3 of the cannabis law.

2. Unlicensed cannabis seller. The term “unlicensed cannabis seller” means a retailer, distributor, or other seller of cannabis or cannabis products operating without a license pursuant to article 4 of the cannabis law.

b. The sheriff, in collaboration with the police department and any other relevant agency, shall provide a monthly report to the mayor and the speaker of the council on enforcement actions relating to unlicensed cannabis sellers in the previous month. Such report shall include, for every enforcement action taken against an unlicensed cannabis seller:

1. The date the enforcement action occurred;

2. The location of the unlicensed cannabis seller that was the subject of the enforcement action;
3. The name of the unlicensed cannabis seller;
4. Whether or not cannabis or cannabis products were seized from the unlicensed cannabis seller;
5. The contents of the cannabis products that were seized from each unlicensed seller;
6. The amount of cannabis products, broken down by weight and type of product, that were seized from the unlicensed seller;
7. Whether or not the unlicensed cannabis seller received a civil notice;
8. Whether or not the unlicensed cannabis seller was issued a summons;
9. Whether or not an arrest was made and, if applicable, the number of arrests; and
10. If the unlicensed cannabis seller was operating out of leased commercial premises, whether the owner of the commercial premises was issued a warning or penalty pursuant to section 10-186 and, if applicable, the dollar amount of the penalty issued.

§ 3. This local law takes effect immediately.

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