TUESDAY, MARCH 30, 2021 3:38 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Reverend Elia will offer a prayer.

REVEREND DONNA ELIA: Let us pray. Holy One, source of mercy and grace, thank You for the sacred moment. Accept our gratitude and praise. Thank You for the sacredness of work and recreation, and for the gift of each person in this Body. Pour out a large measure of Your wisdom and understanding upon each member, upon the Committees, and the whole Body. As they deal with difficult issues, strengthen and sustain them. When the mantle of public service they carry seems heavy, infuse them with Your power. Thank You for their leadership, their integrity, and goodness. You, O Holy One, promise to make rough places smooth. Help them find a
way through the rough places to sturdy ground. Empower them to do the important work of self-care so they may have the resources to do the vital work of legislation. Even now as You hear our prayer, give strength to the weary and continued recovery to those who have been ill. Bless all their dear ones. God of justice, bring justice and an end to racism and violence. You who make peace in high places, grant us peace. In Your Holy Name we pray, Amen.

ACTING SPEAKER AUBRY: Amen. Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Monday, March 29th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the further reading of the Journal of Monday, March the 29th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I want to welcome colleagues back to the Chambers, both those who are here with us in the room and those who are with us remotely. Mr. Speaker, I would like to share a quote today is from none other than Oprah Winfrey. Don't have to explain who she is, I
think most of us will recognize that name. Her words for us today:

*The greatest discovery of all time is that a person can change his or her future by merely changing their attitude.* Again, that one is from Oprah Winfrey.

Mr. Speaker, members do have on their desks a main Calendar with 26 new bills in it, from Calendar No. 190 to No. 215. Members also have an A-Calendar. Mr. Speaker, if I could now advance that A-Calendar.

**ACTING SPEAKER AUBRY:** On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

Mrs. Peoples-Stokes.

**MRS. PEOPLES-STOKES:** Thank you, Mr. Speaker. Just so members are aware that today is the first Session day of the 13th week of the 244th New York State Assembly legislative Session. Our principal work for this day will be to take up the Rules Report No. 46 from Calendar A, and if there are additional announcements or bills to be taken up later, I will announce that at the appropriate time. There is absolutely a need for a Majority Conference at the completion of our work on the floor today and clearly, Mr. Speaker, as always, I will consult with our colleagues on the other side of the aisle to determine what their needs might be.

That is a general outline, and if there's any housekeeping, now would be a great time.

**ACTING SPEAKER AUBRY:** We have neither housekeeping nor introductions. We will go directly to the
A-Calendar, page 3. The Clerk will read.

THE CLERK: Assembly No. A01248-A, Rules
Report No. 46, Peoples-Stokes, Gottfried, Lupardo, Solages, Hunter,
Hyndman, Weprin, Pichardo, L. Rosenthal, Dinowitz, Jean-Pierre,
Abinanti, Richardson, Hevesi, Walker, Vanel, Niou, Bichotte
Hermelyn, Cahill, Epstein, Quart, Reyes, Dickens, Frontus, Cruz,
Darling, Rodriguez, Fernandez, Bronson, De La Rosa, Fall, Carroll,
Ramos, Benedetto, Simon, Kim, Aubry, Kelles, Burdick, Anderson,
Forrest, Burgos, Gonzalez-Rojas, Gallagher, Clark, Lunsford,
Mamdani, Jackson, Meeks. An act in relation to constituting 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 Penal Law, in relation to the growing and use
of cannabis by persons twenty-one years of age or older; 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 State Finance Law, the
Executive Law, the Penal Law, the Alcoholic Beverage Control Law,
the General Obligations Law, the Social Services Law, the Labor Law,
the Family Court Act, and the Vehicle and Traffic Law, in relation to
making conforming changes; to amend the Public Health Law, in
relation to the definition of smoking; to amend the State Finance Law, in relation to establishing the New York State Cannabis Revenue Fund, the New York State Drug Treatment and Public Education Fund and the New York State Community Grants Reinvestment Fund; 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 amend Chapter 174 of the Laws of 1968 constituting the Urban Development Corporation Act, in relation to loans to social and economic equity applicants, providing increased drug recognition awareness and Advanced Roadside Impaired Driver Enforcement training, directing a study designed to evaluate methodologies and technologies for the detection of cannabis-impaired driving, providing for the transfer of employees and functions from the Department of Health to the Office of Cannabis Management; to repeal certain provisions of the Public Health Law relating to growing of cannabis and medical use of marihuana; to repeal Article 221 of the Penal Law relating to offenses involving marihuana; to repeal paragraph (f) of subdivision 2 of Section 850 of the General Business Law relating to drug related paraphernalia; and to repeal certain provisions of the Penal Law relating to making conforming changes.

ACTING SPEAKER AUBRY: An explanation is requested, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.
Speaker. Today we are ending a 90-year prohibition that was initiated by a gentleman called Mr. Harry Anslinger. We are continuing our work to right the wrongs of prohibition. My bill further reduces criminal penalties for possession and sale of cannabis. New Yorkers 21 years or older will be able to legally buy cannabis from an authorized retail outlet, possess up to -- and possess up to three ounces. They will also be able to grow their own plants. We are further expanding expungement from past convictions and making it easier to do so.

In this bill, we have worked to protect communities of color from over-policing. We will spend cannabis tax revenue to help our communities that have been damaged by the War on Drugs. That revenue will first pay for the costs such as managing cannabis programs, training police, drug recognition experts, assisting in expungement of records, creating incubators to help social equity applicants trying to start their cannabis -- in the cannabis industry, and the rest of revenue will be spent as follows: 40 percent on community reinvestment grants to rebuild communities and lives of those negatively impacted by cannabis prohibition; 40 percent on education funding; and 20 percent on drug treatment, drug prevention, and drug education.

We will build a new legal adult use cannabis industry in the State of New York to replace the large underground industry that we know has existed for years. Instead of New Yorkers traveling to our neighboring states of New Jersey and/or Massachusetts, they
will spend their money here. The bill creates a new Office of Cannabis Management to oversee adult use industry, as well as medical cannabis and CBD Hemp industries that are currently managed in the Health Department. There will be a five-member appointed cannabis control board to oversee the industry and the Office of Cannabis Management. The Governor will appoint the Chair who will function as the CEO of the Office of Cannabis Management. The Governor will have two other appointees in addition to the Chair; the Assembly and the Senate will have -- each have one appointment. The Office will be managed by an Executive Director appointed by the Governor who will report to the Board. There will also be a Chief Equity -- Equity Officer appointed by four members of the Board, and a Deputy Director of Health and Safety. There will be licensing of cultivators, processors, distributors, and retailers of adult use cannabis. Licenses also include cooperatives, micro-businesses, delivery, and on-site consumption.

The new law will provide assistance for social equity applicants such as MWBEs, distressed farmers, and disabled veterans, providing training, lower fees, mentoring, and low-cost loans. The goal of the program is to promote social equity and small business. The Board will be able to regulate big cannabis to provide a fair playing field for New York businesses. There will be a strict rule to prevent those under 21 from buying cannabis products, and regulations of advertising and packaging to protect our children. There will be environmental and energy use regulations.
The bill encourages labor involvement in the industry, maintain the current medical marihuana program. The law will maintain the medical cannabis program we started seven years ago. Medical cannabis businesses known as ROs will be able to enter the adult cannabis market with limitations. They can sell their cannabis to new start-up businesses, and help adult use industries get off the ground quickly. This will also help the medical providers continue to serve the needs of their patients. Doctors and patients will have more medical conditions eligible for medical cannabis, and medical patients will be able to grow their own cannabis. Maintaining the current CBD Program, the CBD Hemp Program is starting this year under the Department of Health, will move to the Office of Cannabis Management. The bill will allow hemp flower products to be sold to those over 21 years of age, allowing local governments to opt out of retail stores selling adult use cannabis; opt-out is for cities, towns, and villages, not counties. The division -- the decision to opt out must be approved by an elected board or council by December the 31st, 2021, or nine months after the bill is passed.

Voters in towns, cities, or villages can petition for a voter referendum to overturn an opt-out law if their elected officials pass one. If a municipality votes to opt out, their elected officials can always opt back in at any time by passing a new law overturning the opt-out option.

Protections for cannabis use: Under this bill, there will be protections for the right of workers, tenants, adult students,
consumers, and consumers who use cannabis legally and appropriately on their own time, but we will also include protections for safe workplaces, smoke-free housing and other buildings. Businesses and institutions that have to comply with Federal funding restrictions and rules will be able to continue to do so under cannabis legalization.

I believe my bill is reasonable, fair, and takes into consideration the opportunities and the risk of cannabis. I hope that you all will consider it highly, and look forward to answering any of your questions. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Walker will be handling this portion. Ms. Walker, do you yield?

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walker yields, Mr. Reilly.

MR. REILLY: Thank you, Ms. Walker. I wanted to touch on the part about driving impaired. So under this legislation, is there any change as to what would constitute driving while impaired due to cannabis?

MS. WALKER: The laws that presently exist for driving while impaired under the Vehicle and Traffic Law with respect to alcohol are still in play and now will also include provisions for cannabis.
MR. REILLY: So currently from what I understand, District Attorneys across New York State have difficulty prosecuting marihuana cases in driving instances. Is there anything in here that will help -- help prosecution cases in regards to driving while under the influence of cannabis?

MS. WALKER: The same tools that the prosecutors across the State of New York have had at their disposal continue to, you know, go as existing. So you know, it's not under the law. In order to rectify that perhaps they should go back to their professors in criminal law and, you know, take a refresher.

MR. REILLY: So we're driving -- driving while intoxicated due to alcohol, police officers can use observation and smell of alcohol. Would driving while impaired by marihuana allow an officer to give that observation, or do they have to have any testing?

MS. WALKER: Well you can make whatever observations that you'd like to make; however, the odor does not constitute probable cause to move forward with any vehicle and traffic stop by itself.

MR. REILLY: So that -- so to rise to the level of having probable cause that the person was operating a motor vehicle under the influence of cannabis, the odor of cannabis can't be used?

MS. WALKER: No.

MR. REILLY: So how -- how would you suggest enforcement for driving while under the influence of marihuana be
conducted?

MS. WALKER: Well, the same tools that all police officers have with respect to a driver while impaired with respect to the uses of -- use of alcohol continue to remain. There will also be resources that will be put into a study which will be conducted in conjunction with universities across the State of New York, as well as resources that will be allocated to law enforcement personnel through the New York State Police in order to do trainings with respect to any vehicle and traffic stops.

MR. REILLY: Is there a -- is there a timeline for when those resources will be available?

MS. WALKER: The -- well, at the moment, we are all going through our New York State budget and, of course, there is an extended timeline for the implementation of this particular bill up to and including the year 2022 and 2023. So there will be ample opportunities to be able to provide adequate resources to -- to effectuate the most effective MRTA policies. I also wanted to note that one of the questions that you had was with respect to the utilization of just odor for a vehicle and traffic stop. I would like to note that you are not allowed to burn cannabis while driving and so if there is cause for a police officer to believe that someone is driving and they're also burning cannabis at that particular time, then that might prompt some of the prosecutorial tools that you so desire.

MR. REILLY: So being that the -- there's a difficulty in proving that a motorist may be under the influence of cannabis,
because there's no effective test right now like there is for alcohol, is there an opportunity that we can amend to allow the definition of driving while ability impaired, either physically or mentally by any substance?

MS. WALKER: There's always an opportunity to present legislation to the contrary, Mr. Reilly. One of the things, though, I also would like to note that there's also no evidence to state how much cannabis use actually constitutes impaired. And so while the science is still being studied, it is, you know, just my hope that we will take our time and do this right as opposed to trying to do this in a rushed manner.

MR. REILLY: It's great that you agree with me that we should take our time and not rush and get this right, I think that's what we should do with this bill, as well. I mean, a 2020 study out of Colorado, which is one of the first states that actually legalized adult use marihuana, they actually in their study, since 2013 traffic deaths in which drivers tested positive for cannabis, increased 135 percent while the total traffic deaths increased by 24 percent. Do you think that's alarming enough that we should be able to move forward with something as soon as possible to help deter driving while under the influence of cannabis?

MS. WALKER: Well, I believe that the jurisdiction is with the -- with the New York State Police, as well as law enforcement across the State of New York, to be able to make those determinations on a case by case basis. And there have been adequate
amounts of Federal funding included even in this budget to provide for
the training and equipment by which we would effectuate all of those
stops to prevent the circumstances that you state may have occurred in
some other place at some other time.

MR. REILLY: Okay. So in this legislation, I know it
was mentioned that we talked about drug recognition experts and the
ability of this legislation, it's undetermined how much funding will be
there, but it's to increase the number of police officers designated as
DREs and expand that training throughout the State. I know that we
don't have a set number of dollars to go to this, but do you know how
many drug recognition experts we have in New York State currently?

MS. WALKER: I would imagine that you're going to
let me know in the event that I don't.

MR. REILLY: So we have approximately 350.

MS. WALKER: Three hundred and fifty? That
many? Wow.

MR. REILLY: For the whole State for 19 million
people. So do you know how many DREs there are that cover New
York City?

MS. WALKER: I would imagine that you're going to
let me know.

MR. REILLY: Okay. So we have 19 Drug
Recognition Experts in New York City. We have one that covers the
County of Richmond. Now the reason why I asked that question is
according to the ability to move forward, prosecutions of driving
while impaired by cannabis, we're going to need DREs, Drug Recognition Experts, to administer tests and observations to come up with the necessary requirements to move forward with cases. Do you think that's going to be troubling because we're going to increase the amount of people that are consuming cannabis and potentially driving, that those resources, if we wait until 2022 are not going to be enough and we're going to see some significant impact of traffic safety before that time.

MS. WALKER: Well, I believe there are many opportunities by which to address the examples that you may have created today. One is that there will be an advisory board which is made up of 13 members. There's also going to be a five-member advisory board who will help to promulgate the regulations with respect to the administration of MRTA. At that time, you may be able to present your testimony to that board or those boards in order to take those things into consideration. In addition to that, you can also speak with the Commissioners or any administrators with respect to the New York State Police to indicate that when they are doing their next budget that they can make an increase to let's say 700 DREs and 28 DREs for New York City.

MR. REILLY: Do you know how much the training cost for a DRE and what that -- what the training consists of?

MS. WALKER: No. I don't know the exact amount.

MR. REILLY: The training is roughly around $40,000 per year per DRE trainee.
MS. WALKER: What -- what is that according to?

MR. REILLY: That's according to the State and the Federal government who actually train these officers --

MS. WALKER: Okay.

MR. REILLY: -- because they go throughout the country getting this training and they are taken off of patrol for a significant length of time. The training is up to six months long where they leave New York State and go to other parts of the country for this training. And one of the other impacts is that that's a significant burden on departments. Is there anything in this bill that would allow training at the local level that maybe DCJS can maybe assist with; is there anything specific in the bill?

MS. WALKER: I'm confused as to whether or not you want the training or you don't want the training; however --

MR. REILLY: I want the training, the problem is that I would like to see the funding up front instead of saying we're having a --a study done and then we're going to allocate things in the future. This is a prime example of we're rushing to do things and we should be actually doing the accountable things first, right, the things that may prevent any tragedies before we move forward. That's my only concern.

MS. WALKER: Well, I believe that your questions are administrative in nature. They will be addressed at the appropriate time, but please, I would love for you to understand that all of the supporters of this particular bill want just as much as you want for the
administration of justice to be conducted in a fair, just, and equitable manner, but also to be in an efficient manner. And so it is my belief that this is a bill that we will all be proud of, including you, Mr. Reilly, with the inclusion of the additional experts that you desire.

MR. REILLY: Okay. So I thank you for that -- for that answer and, you know, I actually, the other part of driving that I'm worried about is 1192-A of the VTL, which involves under 21 driving while impaired with alcohol, it's a zero tolerance law. There's nothing in this legislation I believe that amends the under 21 provision which is an administrative function with the DMV under the VTL for cannabis. Is there any way that we can immediately hopefully move forward with something that would amend that and correct that loophole?

MS. WALKER: Well, Mr. Reilly, the nature of this particular bill states that this is the MRTA which speaks to persons 21 years of age and older. And so I don't -- I'm trying to understand why do you believe that it doesn't speak to people who are underage when the very nature of the bill states just that. In addition to that, one of the things that we mentioned was that none of the provisions with respect to the Vehicle and Traffic Laws about the impairment use of a vehicle has been -- has been deterred with, as well as the fact that if a person is under 21 and they're smoking, you know, marihuana while they're driving, that particular person will still be brought to a police department and hopefully it will -- the way that they'll be handled will be just in all communities where their parents may be called instead of
running, you know, young people through a process that may alter the rest of their lives, which we are all trying to prevent here.

MR. REILLY: I agree with you, and listen, I can -- I can accept responsible legislation that will promote, you know, responsible use of --

MS. WALKER: If you may, Mr. Reilly, can I also just interject that there can and will be a civil infraction for smoking marihuana while driving of $50, and the information will be provided to them of the dangers of underage cannabis use and information related to cannabis use disorders.

MR. REILLY: So anybody that's under the age of 21 with this legislation, or say you have a 17-year-old driver who has had drivers ed and they get their license -- their New York State driver's license at 17 and they're smoking marihuana and there's no arrest but, like you said, there's a summons issued, right. Is there notification to the parents with this legislation or is that -- is that prohibited?

MS. WALKER: It's not prohibited.

MR. REILLY: Okay. Is there anything that mandates notifying a minor's parent in regards to possessing marihuana?

MS. WALKER: It's not a -- a prohibitive measure.

MR. REILLY: But there's nothing that mandates it as well, correct?

MS. WALKER: No.

MR. REILLY: Okay.
MS. WALKER: Doesn't mean that an officer can't elect to do it.

MR. REILLY: Exactly, I understand that and, you know what? I can tell you many officers probably would, but, you know, given the current climate, I'm not sure --

MS. WALKER: Maybe in your neighborhood, Mr. Reilly, but certainly not in mine.

MR. REILLY: Well, ironically I worked in your neighborhood so I know.

MS. WALKER: Well, would you have called someone's parent?

(Laughter)

MR. REILLY: Yes, yes I have in the past, but I digress. Ms. Walker, thank you so much for your -- your patience and wonderful answers. I appreciate the dialog.

Mr. Speaker, on the bill, please.

ACTING SPEAKER AUBRY: On the bill, you have short time, Mr. Reilly. I mean very short.

MR. REILLY: All right, Mr. Speaker, thank you so much. I appreciate it. So I talked a little bit about -- ahh. (Buzzer going off) Okay. So, Mr. Speaker, thank you so much. I appreciate it.

ACTING SPEAKER AUBRY: You're welcome, sir.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker.

On the bill.
ACTING SPEAKER AUBRY: On the bill, sir.

MR. LAWLER: Thank you. I want to speak about the issue of potency. According to the National Institute on Drug Abuse, the percent of THC in cannabis samples seized by the Drug Enforcement Administration was 3.96 percent in 1995 and 15.61 percent in 2018. In 2017 in Colorado, the most popular strains of marihuana found in dispensaries had THC levels ranging from 17 to 28 percent, and in other cannabis products such as edibles, THC potency was upwards of 95 percent.

To reiterate the point, according to the University of Washington, THC potency has increased dramatically in just the past ten to 15 years. With products in Colorado, Washington, and other states boasting potency of 95 percent and averaging THC levels of 20 percent or higher across all products, as compared to three to eight percent just a few decades ago. Manufactured cannabis, which is increasing in market share in states where recreational marihuana is legal, boasts potency rates of over 50 percent. And according to a study authorized by The European Commission, daily cannabis use is associated with an increased risk of psychotic disorder, a four-fold increase in risk of psychotic disorders for the heaviest users of cannabis, and a two-fold increase for the average cannabis user in comparison to nonusers. Those who started using high potency cannabis, which is ten percent THC or higher, by age 15 showed a doubling risk of psychotic disorder. Daily use of high potency cannabis carried more than four times increase in the risk of that
psychotic disorder. And daily use of high potency cannabis was linked with greater likelihood of developing psychotic disorders, especially in large cities: Paris, four times more likely; London, five times more likely; Amsterdam, not surprisingly, nine times more likely.

High potency cannabis leads to neurotoxicity, especially in children when ingested intentionally or accidently. Teenage marihuana users age 12 to 17 have double the prevalence of a use disorder than nicotine, alcohol, and in most categories of users, even prescription drug misusers. According to a study from The National Institute on Health and the American Medical Association which was released just yesterday, there is, quote, "A higher prevalence of substance use disorder within 12 months of cannabis and prescription misuse into initiation among adolescents than among young adults." An example, cannabis use disorder, 10.7 percent verses 6.4 percent within 12 months; 20.1 percent versus 10.9 percent at more than 36 months, which is consistent with the association of faster transition to SUDs with younger age at drug initiation. In other words, a young person's brain is more susceptible to substance use disorder than a young adult and, certainly, an adult.

The use of cannabis with high THC concentration or high potency increases the chances of developing cannabis use disorder among young people, according to the University of Washington. In the State of Washington, high potency cannabis extracts ingested by dabbing are more likely to be used by residents
with mental health issues and by those without medical insurance. Manufactured cannabis products such as high potency concentrates are more likely to contain contaminants. Manufactured cannabis products, including high potency concentrates have been a source of increasing emergency calls to poison centers. Frequent use of high potency cannabis results in a higher likelihood of anxiety and other mental health issues in young adults and teenagers. Young adult and teenager use of high potency cannabis were twice as likely to report recent use of other illicit drugs. THC, especially when of a higher potency, has been linked with neurotoxic symptoms, including loss of memory.

Now of the 15 states that have approved recreational use of marihuana, only one has put a limit on the potency of THC levels, that being the State of Vermont. They have a potency cap of 30 percent on marihuana flowers and 60 percent on solid concentrates. Other states are in the process of evaluating legislation to cap the potency. Colorado is seeking to cap potency for all marihuana related products at 15 percent. Massachusetts would cap the potency of THC levels in marihuana flowers of no more than ten percent, and vape cartridges that exceed five milligrams per metered dose of potency of no more than ten percent THC. And in Florida, marihuana flowers would be capped at ten percent THC and 60 percent THC in solid concentrates except edibles.

Now some may dismiss potency as an issue and instead focus on setting serving size limitations. For instance, Oregon
has set a limit of five milligrams of THC per serving, while other states have -- while every other state has a limit of ten milligrams of THC per serving; however, if higher potency is proven to increase the likelihood of a substance use disorder, limiting serving sizes in and of itself will not prevent SUDs. An alcoholic doesn't just stop at one or two drinks. Simply put, in my opinion, New York should have a potency cap of 15 percent and a serving size limitation of five milligrams of THC per serving and two to three servings per item.

With that, I'd ask if the sponsor would be willing to yield for a few questions.

ACTING SPEAKER AUBRY: The sponsor will yield.

And I believe it's a medical question, is that --

MR. LAWLER: I'm sorry?

ACTING SPEAKER AUBRY: Your questions are on the medical side?

MR. LAWLER: Potentially, but I wanted to engage with the sponsor with respect to the intent of the bill.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, of course, Mr. Speaker, I yield.

MR. LAWLER: Thank you, Madam Majority Leader. First, I appreciate your -- your passion and your hard work on this bill.
MRS. PEOPLES-STOKES: Thank you, sir.

MR. LAWLER: Let me just ask you a -- a few questions. Based on your extensive work crafting this bill over the years, do you believe the potency of marihuana should be capped?

MRS. PEOPLES-STOKES: I do not believe it should be capped at this moment. I think that we have in place a regulatory process that over the next 18 months to two years will determine exactly if there is a need for a cap and if there is what that should be.

MR. LAWLER: Okay. So just so I'm clear, under the bill language, the Cannabis Control Board would be responsible for evaluating whether or not there should be a potency cap, correct?

MRS. PEOPLES-STOKES: Yes.

MR. LAWLER: Okay. So they are not mandated to put a cap in place though, correct?

MRS. PEOPLES-STOKES: They are not required to, but they are asked to review and make a determination.

MR. LAWLER: Okay. While -- while you would like to see it evaluated over the next 18 months, do you believe ultimately that there should be a cap, or will you defer -- you're deferring to the Cannabis Control Board?

MRS. PEOPLES-STOKES: I would defer to the Cannabis Control Board. I think they will be the right people in the right space. And why I say 18 to -- months to two years is because that's actually how long it took every other state and/or country; in
fact, it took longer than two years for Canada to come up with a regulatory process. And so I believe it's going to take New York that much time at minimum.

MR. LAWLER: Okay. In crafting this legislation, are you aware of any studies that have been conducted by the State of New York that indicate the effect of high potency cannabis on New York's public health?

MRS. PEOPLES-STOKES: I am not. As a matter of fact, as a country who has prohibited the use of cannabis for 90 years, we have done far too little research into the cannabis plant, which we should have been doing but we didn't. So this is the opportunity for us to do that now in the State of New York.

MR. LAWLER: Okay. So under -- under your bill, will the State be conducting a study on the impact of high potency cannabis?

MRS. PEOPLES-STOKES: The Board will report on that, absolutely.

MR. LAWLER: Okay. And are you aware of any studies that indicate the impact of legalizing high potency cannabis on car insurance rates or traffic fatalities?

MRS. PEOPLES-STOKES: I am not. Are you?

MR. LAWLER: No.

MRS. PEOPLES-STOKES: Is there something you want to share?

(Laughter)
MR. LAWLER: No. I'm inquiring whether or not in crafting this legislation if you were aware of any -- any studies, that's all.

MRS. PEOPLES-STOKES: Well, since you mentioned it, I'll -- I'll look into it.

MR. LAWLER: Okay. Okay.

(Pause)
Okay. Thank you to the sponsor. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MRS. PEOPLES-STOKES: Thank you so much.

MR. LAWLER: Thank you. I believe very strongly that potency has a detrimental impact on our community. It is -- and especially on our young adults who when they ingest or inhale on a frequent basis higher potency marihuana are more likely to have a substance use disorder. And while I believe that making it illegal for our youth to ingest or inhale or possess marihuana is a good step, the problem and the reality is that they will, in fact, get it and they will, in fact, use it as they already do. And I think by not having a cap in place, or by not having conducted any studies prior to putting this bill to the floor and -- and not taking the opportunity to mandate the Cannabis Control Board to, in fact, put a cap on the potency, we are creating a situation where more and more young adults will, in fact, have substance use disorders. And with marihuana becoming more available and prevalent in our communities, we will have unintended
consequences that we will be dealing with all throughout our State.

And so for that reason and many others that many of my colleagues will bring up today, I cannot support this legislation.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Brown.

MR. BROWN: Thank you, Mr. Speaker. Will the sponsor yield for some questions?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, sir, of course.

MR. BROWN: First off, Madam Majority Leader, I want to thank you for putting this bill on as a standalone so we can have an open debate about it. Both of my questions are going to concern the underage use of marihuana. Now before the coronavirus hit, we were experiencing a vaping crisis with kids in our schools. Does the bill, the MRTA, address the underage sale or use of vaping equipment with marihuana products?

MRS. PEOPLES-STOKES: Yes. It prohibits underage uses. You must be 21 years of age and have proper identification to even enter a dispensary.

MR. BROWN: But nothing specific as it relates to vaping equipment being used for having -- for using marihuana?

MRS. PEOPLES-STOKES: Sir, if you are under the age of 21 years old, you would not have access to cannabis in the
State of New York legally. Now clearly some young people will do things that they shouldn't be doing. We would hope that through the resources that are being put in place to do drug prevention education that perhaps some of them will have second thoughts and not pursue that until they're of proper age.

MR. BROWN: Thank you. Dabbing, for those who don't know, is the smoking of high potency manufactured THC such as butane hash, often called wax or ear wax, by using specialized equipment and a butane torch which produces a very intense high. Regular users are five times more likely to develop psychosis, bipolar disorder, schizophrenia, anxiety, depression, and even anger. High potency marihuana is to pot what grain alcohol is to vodka. Does the bill regulate paraphernalia use for dabbing?

MRS. PEOPLES-STOKES: Yes. It is prohibited.

MR. BROWN: Okay. Now under the -- the changes of the Penal Law, Section 222, it appears to me that the penalty for someone selling pot to someone under 21 years old when the amount is under three ounces or 24 grams of concentrate is $250; do I have that correct?

MRS. PEOPLES-STOKES: And it's a misdemeanor, sir.

MR. BROWN: Okay. Now my understanding of 222 is that if it's -- if the sale is over three ounces or 24 grams, that would be a misdemeanor. So the section before, does that deal with under three ounces?
MRS. PEOPLES-STOKES: Yes.

MR. BROWN: Okay. And specifically, that's 222.45, correct?

MRS. PEOPLES-STOKES: I'm grabbing it for you right now. Okay. So it's 222.50, a misdemeanor, 364 days in jail; more than three ounces, 222.55, second E felony up to 1.5 years in jail.

MR. BROWN: If I may --

MRS. PEOPLES-STOKES: Would you like to have the buyer under 21 information as well, sir?

MR. BROWN: No, no; I have those amounts. I'm asking specifically 222.45, that applies where the amount of the sale to a minor is less than three ounces or 24 grams, correct?

MRS. PEOPLES-STOKES: Yes. It actually does apply to -- you cannot sell to minors under 21.

MR. BROWN: So the fine for selling to a minor up to three ounces or 24 grams is $250 bucks.

MRS. PEOPLES-STOKES: Are you waiting for me to say yes, because we asked and answered that a couple times.

MR. BROWN: Okay. I'll move on then. I -- I appreciate the --

MRS. PEOPLES-STOKES: I would offer this to you, sir. In other states that have already legalized the adult use of cannabis, what they have found that prevents young people from either wanting to buy from someone who would help them get it when
they're under age is that when their lives are filled with productive things as stability and safety and guidance and structure and nurturing --

MR. BROWN: Mr. Speaker, I withdraw the question.

MRS. PEOPLES-STOKES: -- and skilled masonry and high self-esteem and happy memories, parents with low stress levels and high levels of empowerment and community support, they're very much unlikely to be pursuing someone who is old enough to get something for them that they should not have.

MR. BROWN: If this was a deposition I'd move to strike the answer as nonresponsive, but thank you for that.

MRS. PEOPLES-STOKES: You're so welcome.

MR. BROWN: Section -- I'm going turn your attention to Section 132 (4), provides that any person under the age of 21 found to be in possession of cannabis shall be subject to a $50 fine this time, a $50 civil penalty payable to the Office of Cannabis Management, is that correct?

MRS. PEOPLES-STOKES: Yes, sir.

MR. BROWN: So there's very little incentive, if not any, because they're not going receive any of the revenue for a municipality to issue a summons if they're not going to receive that revenue, is that correct?

MRS. PEOPLES-STOKES: They're encouraged not to even try it, sir.
MR. BROWN: And subsection (b) provides that upon payment of that $50 fine, the person shall be provided with, quote, "Information related to the dangers of underage use of cannabis and cannabis use disorder." Essentially, the child is getting a pamphlet. There's no marihuana diversion program, there's no parental notification their child is smoking pot, there's no screening or assessment if there is a substance abuse disorder for that child. How exactly is this a deterrent for teenagers to posses and use marihuana? That's a rhetorical question. I'll continue. Why not (inaudible) attended by the child and their parents?

MRS. PEOPLES-STOKES: So would you rather your -- your child who is underage who purchases something that they shouldn't have be criminalized? Or would you rather that they be challenged, fined and asked to do community service so then be taught something that they may learn that this is not the right direction for them to be going.

MR. BROWN: Oh, I think it made it quite clear. I'd like to go completely in the way that the child should be put into a diversion program for using marihuana so he could understand that this is not something that's healthy for him, that is not good for him, that is a high risk for him. And that beyond that, the child and his parents should sit there and talk about it. So I'm in favor just quite the opposite, of teaching the child the dangers of it, not just simply handing the child a pamphlet.

MRS. PEOPLES-STOKES: I'm in favor of that, as
well, that's why we put resources in this bill to provide drug education. And drug education doesn't have to happen once you've already completed an infraction. It can happen when you're in fifth grade. It can happen when you're sitting around the dinner table with your parents. Drug education has to be something that continues to add value to people's lives. It cannot just wait until they've done something wrong to tell them they're wrong. You have to tell them before. And so that's why we're requiring that there's education for -- regarding drug and drug issues prior to young people getting access or getting themselves into trouble.

MR. BROWN: Precisely, but there's nothing in the bill that says that, and there's nothing in the bill to screen that child who may be high risk, who may some day start using harder drugs. I'll go on. So if you really wanted to dissuade children from using pot --

MRS. PEOPLES-STOKES: No one knows how much high risk their children are other than their parent, and so if the parents are made aware that their children are high risk, you can actually seek out the resources to provide the education for your children.

MR. BROWN: Okay. So if we truly wanted to dissuade young people from smoking pot, why not make the first offense they lose their license until age 18, and the second offense they lose their license until the age of 21 to deter them from using pot just like we do with under age drinking under VTL 1192-a. Why not a zero-tolerance policy?
MRS. PEOPLES-STOKES: Well, for one thing for sure, my colleague, after the passage of this legislation there will be multiple pieces of legislation that could be added to enhance and/or to move forward. And so I would encourage you to give that consideration.

MR. BROWN: I certainly will. Thank you so much.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Mr. Brown.

MR. BROWN: Mr. Speaker, I think this bill is absolutely irresponsible. My main focus has been protecting the adolescents of this State from using marihuana, particularly high potency marihuana, when their brains are still developing. We know today that the science tells us that the human brain doesn't fully develop until the age of 25; yet, we're sending a horrible message to children saying it's okay to use pot. It reduces their risk precisely at a time in life when they feel invincible and will take the most risk; in fact, there's no disincentive from doing so except a $50 fine and a pamphlet for the underage child who is in possession, and a $250 fine, $250 for the person that sells to a minor.

What in God's name are we doing? This bill does nothing to protect young adults from underage use. As the Ranking Minority member on the Assembly Alcohol and Substance Abuse Committee and a father, I'm deeply concerned about the potential impacts legalizing marihuana will have on young adults and on our
quality of life in New York State. I've been discussing this bill with Chairman Steck and the sponsor in the hopes of informing them of the potential risk this bill presents to the youth of this State if it's legalized, particularly as it relates to super high potency concentrated cannabis. I even offered amendments to the bill to no avail.

One has to question the logic of legalizing pot during a global pandemic which specifically affects more widely pulmonary and immunocompromised people, and during a mental health crisis with anxiety, depression, and a number of people considering suicide has more than doubled. In legal states, children ages 12 to 18 double their marihuana usage in just 30 days after legalization. Children, more troubling, is the doubling of teen poly-drug usage.

ACTING SPEAKER AUBRY: Ms. Walker, why do you rise, Ms. Walker?

MS. WALKER: Thank you very much for your testimony. Will you yield for a couple of questions?

ACTING SPEAKER AUBRY: Mr. Brown, will you yield?

MR. BROWN: I will not. Thank you.

ACTING SPEAKER AUBRY: Mr. Brown does not yield, Ms. Walker.

MS. WALKER: Thank you.

ACTING SPEAKER AUBRY: Proceed, sir.

MR. BROWN: Thank you, sir. Today's teens often start vaping at the age of 14, vaping pot at the age of 16, then pills,
cocaine and heroin. My county, Suffolk County, still leads the United States, the entire nation, in heroin overdoses, and I know this because my nephew, Jesse James Romanowski, was one of those overdoses two years ago, just two weeks shy of his 21st birthday. We have kids overdosing in the town parks where they used to play as children. If Colorado, Washington and Oregon are any indication, New York can expect the following will happen if pot is legalized: More fatal car crashes, accidents, and vehicle traffic violations; increased car insurance rates; more emergency room visits; increased health care insurance costs; more adolescent traffic fatalities and accidents for inexperienced drivers more likely will drive impaired; more treatment for marihuana use disorder and poly-drug use disorder; more progressive drug use; more public smoking of pot; more pulmonary and cardio ailments in people who smoke; less workplace productivity; increase in workplace accidents; increased cost of Workers' Compensation insurance; the list goes on and on and on. There's no mention in this bill, no mention about underage vaping of marihuana, which is a crisis in our school. No measures have been proposed to stop or avoid the proliferation of marihuana in our schools. And finally, and sadly, we are not going to see a change in the sale of the illicit market, especially in younger people who will seek cheaper alternatives off the street.

I am against legalizing of recreational marihuana, and I feel through new medical marihuana laws passed just six years ago and well-thought-out decriminalization policies we could reach our
goals of fair treatment for everyone, everyone in New York, but also keep our kids safe. For all these and many more reasons, Mr. Speaker, I will be voting in the negative and I urge my colleagues on both sides of the aisle to do the same. Legalizing marihuana will be a disaster for our kids. Mark my words, this bill will be the ruin of New York State and of our quality of life.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Brown.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yield, or whoever is answering questions regarding the taxing and revenue side of the bill?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, I will, Mr. Speaker.

MR. RA: Thank you, Madam Majority Leader. So I wanted to just get into the taxing side of this and the revenue side of this. Starting with, just for the record, you know, the initial revenue in Financial Year 2022 on the State side, I don't believe there would be any local revenue at that point. And then as we get into full implementation, what the State revenue and the local revenue numbers or projections are.

MRS. PEOPLES-STOKES: Well, for the first year, there is a, again, you know, once voted and implemented it will take a while before we actually do see revenue, but when we do begin to see
it, we're thinking at the initial time it would be somewhere around $350 million. But if we consider the fact that New York State is the highest illicit marihuana market in the country and right now people are spending, in our State, somewhere around $3 billion for the product, we expect that to grow in out-years at a very fast pace.

MR. RA: Okay. And do you have a number for the -- that is total, or is that the State revenue side? Do you have a number for the local revenue once it's fully implemented?

MRS. PEOPLES-STOKES: I do not because it depends on whether or not local governments have decided to allow a dispensary to operate within their municipalities.

MR. RA: Okay. And I assume just in the short-term in the first -- in Financial Year 2022, any revenues would likely be from licensing, correct, as these businesses are getting started, as there would not be sales yet.

MRS. PEOPLES-STOKES: There is a possibility that there could be some licensing that is implemented by 2022, so yes.

MR. RA: Okay. So you did mention the size of the illicit market in New York State, so I'm just wondering, you know, given that you have that number how -- how these projections in terms of revenue were -- were made. Were they made internally? Were any outside firms enlisted and is that part of the consideration, the illicit market as well as the experience of some of our neighboring states?

MRS. PEOPLES-STOKES: A little bit of both. Our
team, Ways and Means team, did the analysis and that's where we think we are, somewhere around $360 million in the first year once it's fully implemented.

MR. RA: Now with regard to the tax level, there's a, you know, minimum 13 percent tax rate and one of the concerns that people have brought up is whether or not that obviously, you know, we may be looking for a -- a target rate here that will drive people into the legal market as opposed to that illicit market, and so I'm just wondering how that rate was arrived at. I know -- I know this piece of this was one of the real, you know, factors and topics of debate between the Executive and the Legislature over the years so how that taxing rate was arrived at and whether there were any concerns that it -- it -- it's not at an appropriate level to keep people from continuing to purchase in the illicit market.

MRS. PEOPLES-STOKES: We think that it's comparable with New Jersey and Massachusetts which are certainly our most close geographical neighbors.

MR. RA: Okay. Thank -- thank you for that. Now just in terms of the State revenue, and I do have a couple of further questions about the local revenue side, but in terms of the State revenue, so my understanding is the revenues are going to go into this -- this revenue fund, and there's some administrative costs that are eligible to be funded and then we would go into that distribution that there is, that I believe there's the piece for the lottery fund, there's the community grants piece, and then there's also the, I guess, the drug
treatment education fund piece of it. But -- so things on that administrative side, that would come off the top first before that distribution, is that correct?

MRS. PEOPLES-STOKES: Well, yes, because there is staff that will be there. There's a five-member Board, an Executive Director, a Chair of the Board, and an Equity Officer, and also the staff that surrounds them. Mind you that we're also bringing the medical marihuana operation from the Health Department to the Office of Cannabis Management as well as the hemp to the Office of Cannabis Management and adult use. So there are staffing issues that have to be given consideration.

MR. RA: Okay. And as I was looking through the bill, one of the things it also looks at and I think this was mentioned in the -- in the explanation regarding Drug Recognition Experts and there is some language regarding providing funding which I think is around the bottom of page 117, 118 and gets into that piece of it and the ability of money to go towards that. Now is that also from the administrative side of things meaning it will come out first?

MRS. PEOPLES-STOKES: It's from the administrative side of things that would come out first, but there's also dollars within the revenue that will be -- so 40 percent to reinvest in communities, 40 percent into education, and then another 20 percent that could also be going to further preparation and training for drug reinforcement officers -- recognition officers.

MR. RA: Okay. So that -- that -- that would be the
20 percent that's within the drug treatment and public education fund, correct?

MRS. PEOPLES-STOKES: Yes, and so they're additional dollars.

MR. RA: Okay. Now the way the language is written, it talks about reasonable costs for that in terms of this administrative side of things. So am I -- would I be correct in assuming that's kind of for, you know, the DMV or the State Police side of running trainings as opposed to, you know, the full cost of the trainings that may be borne by a local police department?

MRS. PEOPLES-STOKES: Yes.

MR. RA: And then so the cost side of it that a local, you know, maybe a municipal police department might have to undertake, that could potentially be funded through that 20 percent on the drug treatment and public education fund, is that correct?

MRS. PEOPLES-STOKES: Yes.

MR. RA: Okay, thank you. Okay. I wanted to just then get into the -- the local revenue side of it. So as you said, obviously this is going to be subject to, you know, those municipalities. We know that the villages, the -- the cities and the towns will have the ability to opt out and the distribution is contingent on -- on that, but there's this four percent tax, I know it's not -- it's not really a sales tax, but it basically functions like a sales tax with one percent going to the counties or 25 percent of that four percent going to the counties. So through any of those other funds, suppose a
municipality were to opt out. Say a township, a large township opts out and then there were villages within that township that don't opt out. So there are sales going on within that township, but they are within the, you know, sovereignty of -- of a village. Is there any of the other funds -- I'm sorry if I'm being -- do you want me to clear that up a little what I'm asking?

MRS. PEOPLES-STOKES: No. I'm just trying to listen to more than one person, so keep talking.

MR. RA: Okay. So really what I'm asking, so if there's a village that doesn't opt out that's within a town that has opted out and that town now has costs as a result of this, am I correct, though, they would not be eligible for a distribution from a local share, but would they be eligible for, you know, anything through these other funds, maybe that 20 percent.

MRS. PEOPLES-STOKES: They could very well be eligible for other sources, absolutely.

MR. RA: Okay. So would that be contingent on, you know, appropriations from the Legislature in the future of those funds, or how -- how are those going to be apportioned out?

MRS. PEOPLES-STOKES: It could be either or both. It could be a legislative appropriation because now we found out that that township does need some help and, by the way, you could represent that town and you bring it to the Legislature, or it could be that they actually apply through the Office of Cannabis Management to have additional resources to handle those issues.
MR. RA: Okay. Thank you. You know, as you may know, on Long Island we have some of the largest townships in the country in terms of population --

MRS. PEOPLES-STOKES: Yes.

MR. RA: -- and I can certainly imagine that there may be larger townships who opt out but maybe villages within -- within those borders who do not. So -- so there certainly maybe costs that are borne by a local government that -- that may not be having legal sales under their jurisdiction, but certainly they may have residents who are going into these other, you know, villages where there are dispensaries or -- or, you know, on premises consumption locations.

Just the one other thing that I wanted to ask with regard to the local side of it. You know, one of the things we always do when we talk about something new is we look at things that have gone on in other states. And there was a study conducted by the Centennial Institute in Colorado that found for every $1 in cannabis revenue generated an additional $450 -- I'm sorry $4.50 that had to be spent to mitigate the cost. So I think I know what your answer is, but do you feel that the social and revenue benefits outweigh the law enforcement and other costs that would be borne by our municipalities as a result of this?

MRS. PEOPLES-STOKES: I absolutely do.

MR. RA: Okay. And then one other piece on the funding and revenue side of it. On the economic development side of
it, there's -- there's an authorization for the Urban Development Corporation to provide low and no interest loans to social and economic equity applicants. Just, can you clarify, you know, how that will be funded? Will it be through the revenues under this? Is there, you know, bonding that would be done by that Corporation to fund any of these grants?

MRS. PEOPLES-STOKES: That would be -- the revenues that are generated would be the revenues that are used, and the -- both the Office of Cannabis Management's Board as well as its Advisory Board will help to provide the decision about who actually gets access to that revenue.

MR. RA: Okay. Thank you very much. If possible, would Ms. Walker yield for one quick question about the Penal Law aspect?

ACTING SPEAKER AUBRY: Ms. Walker, will you yield?

MRS. PEOPLES-STOKES: Would you yield?

MS. WALKER: Yes.

ACTING SPEAKER AUBRY: Ms. Walker yields.

MR. RA: Thank you. Just -- just quickly. I want to, for clarification, so under the new provisions of this, under -- there's a 222.50 criminal sale of cannabis in the third degree talks about I believe sale to a minor, but there's a defense in there if the individual is less than three years older than the, you know, than the person who purchases under age. Can you just clarify that? So does that mean
like a -- say a 21-year-old is working at a dispensary and they -- they were charged with this for selling to an 18-year-old, they would have a defense under this, is that correct?

MS. WALKER: This is not meant for a dispensary setting, it's meant for more social settings.

MR. RA: Okay. So that would be -- that would be in an illicit sale situation?

MS. WALKER: When you say "illicit" --

MR. RA: Well, an illegal sale, not something done through this legalized market.

MS. WALKER: Right. Well, it does not consider a sale taking place at a dispensary.

MR. RA: Okay. Thank you.

MS. WALKER: But I do want to, you know, acknowledge the fact that you mentioned that there are provisions here with respect to the sale of cannabis to a minor unlawfully. And so, you know, it's important to note that, you know, this bill does not just, you know, not acknowledge the fact that children who are minors should not be engaging in the participation of MRTA and adult use.

And so thank you for the question.

MR. RA: Okay. Well, thank you. I mean, I'm glad to hear that that is designed for that situation. The question, again, though was -- was with regard to the defense. So if this was a sale then, you know, not through a legal dispensary, but is -- so is the defense contemplated to be, you know, absolute, like, I'm a
21-year-old, I make this sale to an 18-year-old, I am not guilty of -- I guess I would not be guilty of 222.50. Could I -- I guess I could be charged under that -- there's a violation I think that's a lesser offense, is that correct?

MS. WALKER: If the person -- if the person is within three years older than the buyer and the buyer is under 21, this is the circumstance that we're dealing with.

MR. RA: Yes.

MS. WALKER: So under the Penal Law 222.50, this would conduct -- this would consist of an A misdemeanor and also up to 364 days in jail. But there is a defense that's an absolute defense with respect to this provision.

MR. RA: Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Ra.

Mr. Barron.

MR. BARRON: Thank you very much, Mr. Speaker.

All of you know, because I've said it a thousand times, my purpose for being here and my calling in life is to be a catalyst for the liberation of my people, African people here in America and dispersed throughout the world. The biggest enemy to the world I think is Imperialism and to our nation, the colonial capitalist system and its racist ideology that permeates every institution. So I look for tools to fight against this. I look for people who have soundness of mind to fight against this.

So cannabis use is not one of the weapons I would use to fight for my liberation and to encourage young people to even
use it to fight for their liberation from this colonial capitalist system and its racism. I heard the sponsor of this bill, she spoke of more other kinds of things that young people should get involved in and not cannabis. And she outlined some of them and said she would encourage that. And I heard her also say that there would be education for it, and I heard her also mention that if these young people chose these other courses, they may not even go into the life of use of cannabis. I know the sponsor of this bill very well. I know she loves her people, particularly her young people. She wouldn't do anything that she thought would be detrimental to them.

I also know that legal drugs that are sold over-the-counter - legal already - are far more dangerous than cannabis. Far more dangerous. Alcohol. Some of the people that are speaking out against this bill probably drink alcohol. I wouldn't be surprised if they did, and if they didn't, I don't hear the same kind of a tax to alcohol, which many studies say is worse than cannabis. And also I understand that there are some amongst us that feel legalizing cannabis would be so horrible, terrible for young people. I kind of agree it's not good for young people, as well, but then when we come to deal with other kinds of things that are good for young people, they don't have -- particularly Black young people and Brown young people, they don't have that same kind of commitment and concern. But when it comes to cannabis, it's there.

And I also see the hypocrisy and the contradiction when this system saw people in the communities dealing numbers,
number runners, they said that’s the worst low-life thing you could do until they turned it into a lottery, sanitized it and made it State-sponsored. When people were drinking alcohol and it was prohibited, it was the worst thing you can do. They legalized that so they got a monopoly on that, it's all right.

Cannabis, horrible, terrible thing to do. Now, White men like John Boehner who was a former Republican Speaker of the House, totally against cannabis until he got out of the House and now he's a head of the -- on the Cannabis Board out there looking at an industry that's going to make billions of dollars, and so is the former -- one of the former Governors of Massachusetts; they're all on boards now. White men are going to control this industry, that's my problem. Oh, we going to get a little crumbs here and there, might get a little something here and there, and we might have provisions in there for that to happen, but White men in particular, whenever they see that they can capitalize through their capitalistic greed on an industry then they monopolize it. So I don't know what's going to happen economically in New York State, but I know in the other states across the country that have legalized it, yeah, you find some Black folk making a little something here and there, but White men are controlling this industry.

So I have those concerns when it comes to this bill, but I'm supporting it because one thing I know, I don't think we can use cannabis as a tool for our liberation, but neither can we use jail as a tool for our liberation. And I know our young people will do us no
good in jail because they're busted over some use of cannabis. And I also know that you can destroy their lives, families can be thrown out of public housing, and this bill expunges the records of those who get caught up in it and that's a good thing. So for decriminalization of it and for using it, the education in this bill to hopefully say to our young people, don't get into it, that there are some health risks, not as bad as some of the people may be saying, not as bad as alcohol and some other drugs, but it's certainly, other than medical use, has its liabilities.

So I'm going to support this bill because I know the sponsors, I know the spokespersons on it. I know they're for our people and our neighborhoods and they have that as their best interest. So while I support this bill, I have grave concerns that it doesn't -- the youthful participation in marihuana, it doesn't have people disrespecting others who may not smoke it, doesn't disrespect them. Secondhand smoke sometimes is more dangerous than marihuana. Smoking cigarettes, the tobacco industry, I hope they don't let the tobacco industry monopolize it and we get some crumbs and say we made some progress.

So I have grave concerns around this bill. It still has to be monitored and I'm hoping that our community see through some of the profiteers of this and don't let them manipulate you, don't let them persuade you into getting into this life so that they can make profits and you may not be functioning at the optimum level we need you to function to be revolutionaries, to be radical, to be activists, to be clearing your thought on getting us out of the biggest drug of all,
Colonial Capitalism, and I'm just hoping that with this legalization that we can get some positive things out of it and not hurt our community. So I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Angelino.

MR. ANGELINO: Thank you, Mr. Speaker. Will the sponsor or her surrogate yield for some questions?

ACTING SPEAKER AUBRY: Pose the question and we'll figure out whose going to answer it, Mr. Angelino.

MR. ANGELINO: The -- I did want to ask Ms. Walker about a statement she just made about absolute defense?

ACTING SPEAKER AUBRY: Let's start with Ms. Walker. Ms. Walker, will you yield?

MR. ANGELINO: Thank you.

Hello, ma'am. For the sponsor, I was mostly going to be speaking about vaping so if she could collect her thoughts on that topic, but I heard you say something about the absolute defense when there's less than three years if the seller is under 21; did you mean absolute defense?

(Pause)

ACTING SPEAKER AUBRY: Ms. Walker, are you hearing us?

You've got to unmute, Ms. Walker.

We're having problems with Ms. Walker. Wait a minute.

MR. ANGELINO: If you could go ask the question.
MS. WALKER: There we go.

ACTING SPEAKER AUBRY: There we are.

MS. WALKER: Yes, Mr. Speaker, I'll yield.

ACTING SPEAKER AUBRY: Let's start over again.

Mr. Angelino has a question for you.

MR. ANGELINO: Did you hear my --

MS. WALKER: Thank you, Mr. Angelino.

MR. ANGELINO: Did you hear the question earlier, ma'am?

MS. WALKER: I did not; can you please repeat it?

MR. ANGELINO: Yes. I was going to mostly speak about vaping so that the sponsor could get her thoughts collected on that, but I heard you say something when we were talking about sale and the age difference was three years if the person was under 21, and you used the term "absolute defense." Is that what you meant when you said that, absolute?

MS. WALKER: Well, the defense is written into the bill. If you look at the Penal Law, 222.50, there is a defense that is provided if the seller is less than three years older than the buyer and, particularly, this particular piece in the bill addresses the fact that in the definition of a controlled substance and sale of a controlled substance, under the 221 it includes also give. And so this particular provision just sort of takes into consideration those individuals who are not in a dispensary situation but in more of an interpersonal situation and it considers a person who is within three years older than
the underage buyer, them being 21 and perhaps 18.

MR. ANGELINO: So what does happen when a 19-year-old, gives, sells, causes to be given to a 16-year-old, absolutely nothing?

MS. WALKER: Well, if the buyer is under the age of 21, there is in A-misdemeanor and up to 364 years [sic] in jail with the exception that there is a defense that is provided to a seller that's less than three years older than the buyer.

MR. ANGELINO: So that defense means nothing happens if a 20-year-old sells, gives to a 17-year-old?

MS. WALKER: They have a defense to a criminal proceeding, so I wouldn't say nothing happens. I will just say that there is a defense to this particular provision in the Penal Law.

MR. ANGELINO: Okay. What got my ears perked up is when you said "absolute defense," which it sounds like it is. Also --

MS. WALKER: Well it is; it's there.

MR. ANGELINO: Okay. Thank you.

MS. WALKER: Thank you.

MR. ANGELINO: In regards to DREs, that's a very expensive proposition and I'm hoping and I'm asking, is there going to be funds available to get up in front of this so that DREs are trained and ready to go when this passage becomes law?

MS. WALKER: Upon information and belief, sir, there are Federal resources which are being allocated to this particular
provision as we speak.

MR. ANGELINO: Okay. Thank you. And if you want to que up -- I don't care who answers, but I had some questions about vaping for the sponsor.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you take that question?

MRS. PEOPLES-STOKES: Happy to respond, it's my pleasure. What specifically would you like to know as it relates to vaping? I can tell you right away that smoking cannabis would be banned anywhere smoking -- any ban indoor smoking laws are already in place, that would remain in place. So you cannot smoke in places of employment, in bars, in restaurants, in public places, mass transportation, subways or hospitals. Additionally, the bill would explicitly ban smoking of cannabis in automobiles, retail tobacco stores, cigar bars, outdoor dining, enclosed rooms and restaurants utilized for smoking purposes and retail e-cigarettes.

MR. ANGELINO: Thank you for anticipating. That wasn't the question, but I'm sure somebody's going to come up with that later. I was curious, if you remember back in 2019 when flavored vapes were taken away and they could only use a nicotine vape. At that time, vaping stores lost a considerable amount to the black market where you could purchase flavored, varied flavored vapes at various gas stations, stores, and under-the-counter type things. Will vape stores also be allowed to be dispensaries for cannabis products?

MRS. PEOPLES-STOKES: No. No. I mean, if they...
apply for a license and are granted one, they could possibly, but right now no.

MR. ANGELINO: Okay. And the vaping industry, like I just mentioned, there's a lot of black market. I could probably go out and buy flavored vape within a mile of here, and if you'd like, I'll try, but is there any provisions in your bill that would create an enforcement agency or maybe put the vaping under the State Liquor Authority, or is this going to be left up to the CCB?

MRS. PEOPLES-STOKES: There's not a provision in this bill that deals with limiting vaping. This bill is specifically focused on creating a legal process for the adult use of cannabis.

MR. ANGELINO: Okay. And what do you envision as the enforcement agency for this?

MRS. PEOPLES-STOKES: The enforcement agency for cannabis would come through the Office of Cannabis Management. They would, in turn, provide resources to local governments, to their law enforcement.

MR. ANGELINO: So it wouldn't be Tax and Finance agents, it's not going to be State Liquor Authority agents, there's going to be a -- it'll be a new agency created?

MRS. PEOPLES-STOKES: The Office of Cannabis Management.

MR. ANGELINO: Okay.

MRS. PEOPLES-STOKES: Much like the State Liquor Authority goes through as it relates to liquor issues, the Office
of Cannabis Management will handle issues of cannabis.

MR. ANGELINO: Thank you, Madam Leader. One item I did notice, and it's quite a volume I was reading, is that smoking and vaping cannabis, marihuana only is allowed in a consumption facility. Does that mean you can't smoke a cigarette in there either?

MRS. PEOPLES-STOKES: Does that mean you can't smoke a cigarette in an on-site consumption for cannabis?

MR. ANGELINO: Yes.

MRS. PEOPLES-STOKES: That's right.

MR. ANGELINO: Okay, you can't.

MRS. PEOPLES-STOKES: You can't.

MR. ANGELINO: Okay. So marihuana is okay, cigarettes bad, got it.

MRS. PEOPLES-STOKES: In a consumption site.

MR. ANGELINO: Right. No cigarettes at a consumption site.

MRS. PEOPLES-STOKES: That might be okay once you get back in your car, but you can't get in your car and smoke cannabis.

MR. ANGELINO: Okay, but you can smoke a cigarette there, right?

MRS. PEOPLES-STOKES: Yes.

MR. ANGELINO: Okay. I just thought it was odd that tobacco was not allowed in a cannabis site. And a little bit about
taxation. Most times when we tax a substance, it's discourage -- it's to discourage its use, like tobacco. We don't want people smoking frivolously so that we tax it higher so that they have to pay the price for their -- for their habit or addiction. But with this product, we're already pre-planning the use of revenue and it makes me wonder, are we actually, as a State and as a Body going to be encouraging the use of cannabis for revenue?

MRS. PEOPLES-STOKES: Well, I can tell you that in the preparation of putting this legislation together, I would not advise anyone to smoke cannabis. That is not the intent here. But another fact that you -- I'm sure you know because it's recently been in *The Wall Street Journal* as well as *The New York Times* that this is like a multiple billion dollar industry in the State of New York already at this moment. And so what this legislation does is allow the taxation of THC for the purposes of, real clear purposes. There are literally multiple generations of people who have -- whose children had to be raised alone or by their grandparents or in a foster care system because they were incarcerated for having a nickel bag. I find it ironic that people care so much about their children and don't care about the children who have suffered as a result of the prohibition of cannabis. This is not any reason to say anybody is more valuable than anybody else. This is a reason -- this is an opportunity to give people a chance to remove the record that they have, to invest in the lives of their children, and to invest in the life of the communities that they live in where, by the way, we don't ever find another way to invest in their
lives. This is the way we're going to do that.

MR. ANGELINO: Okay, even though you -- you don't encourage anybody to use it and you would advise against it.

MRS. PEOPLES-STOKES: They're already using it, sir.

MR. ANGELINO: That doesn't make it right.

MRS. PEOPLES-STOKES: To the tune of $3 billion a year.

MR. ANGELINO: Thank you, Madam Leader.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Angelino.

MR. ANGELINO: You know for about 40 years or more, I was a product of the '70s and I remember having smoking lounges in the school for teachers and then eventually for students, and there was always a cloud in there and you'd choke your way in and out of. But for 40 years, we've been weaning people off tobacco use for all the reasons that we know it's bad for your health, and this bill is going to undo all of that that we have done. And with this bill, we're doubling the ways that people can inhale a carcinogen into their lungs and cause long-term damage. And this long-term damage we knew was so bad for cigarettes that we tried to tax it and discourage its use. But this seems like we're already pre-planning because people already do it what we're going to spend all this money on. And with this, we're going to have long-term health effects for many, many
more people. And with this, this Body and the State is going to be
complicit in all of this healthcare nightmare that we have ahead of us.

And for those reasons, I'd ask everybody to think
about this long-term what we're actually doing. We're actually going
to be doubling the ways that you can damage your lungs by inhaling a
carcinogen. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Dickens.

MS. DICKENS: Thank you so much, Mr. Speaker.

Will the sponsor yield?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes,

will you yield?

MRS. PEOPLES-STOKES: I absolutely do yield,

Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes

yields.

MS. DICKENS: Thank you so much, Madam

Majority Leader. I just have a few rather quick questions. One of my
colleagues had mentioned about the strength of marihuana, but part of
-- of this is going to have quality control, is that not so? There's going
to be a regularly scheduled or unscheduled, really, come in and test
the -- the quality of the marihuana, is that correct?

MRS. PEOPLES-STOKES: That is right, yes.

MS. DICKENS: So in essence, some of the things

that may be on the street that could be added into cannabis will not be
done with -- with this.

MRS.PEOPLES-STOKES: Absolutely. It will be a clean product.

MS. DICKENS: All right. Now in 2019 we had a big discussion on the loss of so many lives that were more than 70,000 Americans that died as a result of doctor-generated prescription opioids, a controlled substance. Seventy thousand who died from that, and it was legal, it was legal. Now this -- this -- the cannabis, and I had some concerns but I'm very -- I've changed because I have now educated myself on the differences between having it that it's -- it's decriminalized and making it legal. I took the time to educate myself on it and as a result, you know, we have supported doctor-driven prescription of -- of -- of -- of controlled substances and -- and actually even now, we only have it where the pharmacy has to report how many prescriptions go in under fentanyl or some of the others, and people are still dying, our youth are still dying. We -- I don't recall having heard of -- of clean marihuana deaths in a number of years, actually in New York City anyway, is that correct? Has there been --

MRS. PEOPLES-STOKES: To my knowledge, you know, that would be correct. If you, you know, just compare that to other states, consumers really are looking for the better product. They would like to know that they have a product that does not have anything in it other than what came through nature, does not have pesticides, et cetera, so you are right. This is -- this will be a clean
product and, unfortunately, there are people who are getting sick and not -- dying actually from purchasing marihuana on the street that has fentanyl in it. These things are -- are really sad, but it does happen. So this is a way, you know, an attempt to clean up an illicit market that takes advantage of people and push people towards a clean, consumer-based product.

MS. DICKENS: Thank you so much. Now one last question. The -- the MWBE component, because Black and Brown communities have been historically hit the hardest with drug abuse and marihuana being sold illegally in our communities. With the MWBE component of this, will this also help Black and Brown minorities and not just the big pharmaceutical companies from being able to participate in the -- in the sale or the manufacture or the growth of marihuana?

MRS. PEOPLES-STOKES: Yes. As mentioned earlier, colleague, there are ten different licenses that businesses can get and there is a goal in this legislation, not a requirement, not a mandate, but a goal that, you know, 50 percent of the businesses be equity for minorities or Minority- and Women-Owned Businesses, for disabled veterans, and/or for distressed farmers, including perhaps people who live in communities where there are these underground areas being sold. So yes, that is in place, and it is a workforce goal attached to this as well, so that, you know, people actually have access to some of the many jobs that are available.

MS. DICKENS: That's very interesting because in
addition to maybe it being a revenue generator, the -- oftentimes the farmers are paid not to grow, the government has to pay them not to grow certain things and so now that's a -- a stream that wouldn't have to be paid if they are able to -- to -- to grow cannabis, is that correct?

MRS. PEOPLES-STOKES: Well, our farmers are able to -- to grow. As a matter of fact, some of them are already now growing hemp; as you know, it's legal in our State and I'm very much looking forward to the opportunity to be able to grow adult use. In fact, there are some 200 Black farmers in the State of New York who are ready to go. There are former farmers who are not of minority descent who are ready to go, as well. And so there is going to be an opportunity to focus on distressed farmers as well as Minority- and Women-Owned Businesses.

MS. DICKENS: Yeah, because that's -- I know that the government has had to pay farmers to not grow certain vegetables or don't grow certain things and -- so that there wouldn't -- because it would affect the pricing. And so that's something that we could stop and, yet, the farmers would be able to support themselves, no matter what color they are --

MRS. PEOPLES-STOKES: That's right.

MS. DICKENS: -- they would be able to support themselves by growing cannabis.

MRS. PEOPLES-STOKES: Exactly.

MS. DICKENS: Okay, good. I just wanted to get that straight and I want to thank you so much for taking the time. I
want to thank you for bringing this -- this bill forth. It's been a hard fight, but you stood the test, you fought hard, frequently alone and by yourself, but you're no longer alone and by yourself, so I thank you --

MRS. PEOPLES-STOKES: Thank you.

MS. DICKENS: -- for bringing it to the floor and I thank the Speaker for allowing it to be brought to the floor.

MRS. PEOPLES-STOKES: Thank you, my colleague.

ACTING SPEAKER AUBRY: Thank you.

Mr. Burdick.

MR. BURDICK: Thank you, Mr. Speaker. Will the sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, I will, Mr. Speaker, it is my pleasure.

MR. BURDICK: Thank you, Madam Majority Leader. Just a bit further on local control which you touched upon earlier and was discussed a little bit, is there a provision in this bill for cities, towns, and villages to adopt local laws governing the time, place, and manner of the operation of retail dispensaries and/or on site consumption sites?

MRS. PEOPLES-STOKES: Yes, sir, there is. It's a complete local decision.

MR. BURDICK: Thank you. And would it be fair to
say that you do support funding for training for local law enforcement on impaired driving from cannabis use?

MRS. PEOPLES-STOKES: Absolutely.

MR. BURDICK: And do you feel that the resources for the local law enforcement will be sufficient for that?

MRS. PEOPLES-STOKES: I do.

MR. BURDICK: Thank you very much, Madam Majority Leader.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BURDICK: Thank you, Mr. Speaker, for the opportunity to speak on the bill. I first wish to congratulate Majority Leader Crystal Peoples-Stokes for her tireless and patient efforts over many years.

After several years of consideration and debate, we are about to adopt legislation to legalize the adult use of recreational marihuana. This is an important decision that none of us have taken lightly. I fully understand and appreciate the concerns that have been expressed by those who oppose this legislation, but there also is a great deal of inaccurate information regarding this proposal which unfortunately stokes unfounded fear. The fact is that we have had benefit of learning from the experience of states which have already legalized marihuana, and we have incorporated into this legislation many of those lessons. This legislation contains tight restrictions, strong safeguards, State licensing and perhaps, most importantly, as
Madam Majority Leader had explained, the power of governing bodies in our cities, towns, and villages not only to prohibit retail sale within their borders, but if they don't prohibit it, to regulate the time, place, and manner of the operation.

Substantial tax revenue will be dedicated to public education, drug enforcement treatment, and law enforcement training. This modern approach will lead to a safer, more secure New York State for all of us. This is the right move at the right time. Let's go back to 1973 when New York State enacted the so-called Rockefeller Drug Laws as part of the, quote, "War on Drugs." The fact is that these laws were pernicious. The only real outcome was in putting Black and Brown people in jail and destroying lives for low-level drug offenses. They did nothing to reduce marihuana use in our State. The current legislation vastly improves upon the failed approached of that "War on Drugs" and will make our communities safer.

The major concerns that we hear are the effects of legalization on our children, increased dependency on marihuana, and driving under the influence of marihuana. My staff and I have spent considerable time and effort delving into not only the details of this legislation, but the possible consequences. And I do wish to thank Majority Leader Crystal Peoples-Stokes for the time she has spent with me, as well as with so many of our colleagues, in discussing the intricacies of the legislation and hearing our concerns. This bill addresses all of those concerns very well, and I thank Crystal for ensuring that they remain in place following negotiations with the
Senate and the Executive.

Quite appropriately, the greatest objections to legalization center on impacts and underaged users. Having raised three children myself, I, too, am concerned about marihuana use among our youth. One of the principal reasons I support regulated legalization is to take the sale of marihuana out of the hands of organized crime and out of the hands of the street corner sellers. I want to get rid of marihuana laced with more potent drugs such as LSD, cocaine and heroin. We just heard the sponsor in response to questions explaining that the product will be regulated and so such laced substances would be prohibited. State licensed and highly regulated sales will weed out, so-to-speak, our criminal elements and predatory dealers who victimize our youth.

There is a concern that legalization will lead to a sharp increase in underage use, despite the fact that the sale will only be permitted to those 21 and over. Research shows the opposite is more likely. Researchers at the Washington University School of Medicine found that, quote, "The rates of marihuana use by young people are falling despite the fact that more U.S. states are legalizing or decriminalizing marihuana use, and the number of adults using the drugs has increased," end quote. Concerns also have been expressed that legalization will increase dependency on marihuana. The data doesn't support that contention. The number of adolescents admitted to drug treatment programs for marihuana-related issues has fallen precipitously in states that have legalized and regulated its adult use,
according to data -- data published by the CDC; in fact, states experiencing the quote, "steepest level of admissions decline," end quote, were among those that had enacted adult use legalization laws.

There are also understandable concerns regarding impaired driving. Operating a motor vehicle under the influence of a controlled substance is defined as illegal behavior in all 50 states. Amending the status of cannabis under State Law does not change this fact. It remains just as illegal to drive under the influence of cannabis post-legalization as it is before legalization. Indeed, the existence of marihuana and driving under the influence of THC would not be a new reality for our State. Law enforcement has been dealing with it successfully for years, and I have every confidence it will continue to do so. In fact, back on February 10, 2021, testimony of New York State Division of State Police Acting Superintendent Kevin Bruen spoke to that point, and after a line of pointed questioning, he replied, *I keep going back to the fact that we do this job already and make the arrests for THC.* He made it abundantly clear that this is nothing new, that for years they had made traffic stops for driving under the influence of cannabis. Local law enforcement also has been handling this for years. I think it's fair to reasonably anticipate that funds, as we've just discussed, will be made available in sufficient amount for local law enforcement training. And as the sponsor made clear, we are 18 to 24 months away from regulations being issued and for implementation.

For all of these reasons, I do feel that this is the right
move at the right time. I believe it will make it safer for our youth, we will have safer communities, and that we are doing the right thing by going forward with it. I'm a proud cosponsor of this bill, will vote in the affirmative and urge my colleagues to vote in the affirmative as well.

Thank you, Mr. Speaker.

ACTING SPEAKER J.D. RIVERA: Thank you.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Would the sponsor yield for a couple of quick questions, please?

ACTING SPEAKER J.D. RIVERA: Do you yield, Mrs. Peoples-Stokes?

MRS. PEOPLES-STOKES: Yes, of course, Mr. Speaker.

ACTING SPEAKER J.D. RIVERA: Thank you.

The sponsor yields.

MR. TAGUE: Thank you, Madam Majority Leader.

First of all, I -- I know how hard you've worked on this bill. I know your passion. And I just want you to know although you and I disagree probably on many areas in this bill, there are some areas we actually do agree. And I just wanted to let you know I have much respect for you and I'll be very respectful in -- in the questions that I ask.

I just have a couple areas that I'm a little concerned.

In the bill the definition of a distressed farmer, and I guess who -- who
is considered a distressed farmer and what -- what is the definition of
the distressed farmer in this bill?

MRS. PEOPLES-STOKES: We can either pull that
out of the bill for you or we can have my colleague Donna Lupardo
respond to your question, Chair of the Agriculture Committee. Would
you like to wait or would you like to have Donna Lupardo explain to
you that answer?

MR. TAGUE: I'll -- I'll tell you what because I
would -- I have a great relationship with Chairwoman Lupardo, I'd be
happy for her to send me an e-mail or -- or let me know what that
definition is.

MRS. PEOPLES-STOKES: Okay.

MR. TAGUE: And it brings me to my other question
-- if that's fine with you, Madam Majority Leader.

MRS. PEOPLES-STOKES: Yes, sir.

MR. TAGUE: It kind of brings me to my other
question. It was talked about earlier by another one of our colleagues
about the hemp. And I want you to know as someone that has actually
been a farmer, the hemp has not been quite as good as everybody had
expected. And when we talk about distressed farmers they're --
distressed farmers are usually farmers that have a hard time being able
to get investment for projects like this. Marihuana or cannabis,
whatever you want to call it, is a complicated crop to grow. And even
more compliment -- even more complicated when having to comply
with certain regulations. So I'm very concerned whether someone
who is a considered a distressed farmer or somebody that is a new farmer that doesn't have any experience with the land or with this type of crop would have an awful tough time getting -- getting themselves involved in this.

MRS. PEOPLES-STOKES: Okay. Well, sir, I did happen to find the definition. Would you like me to share it --

MR. TAGUE: Sure.

MRS. PEOPLES-STOKES: -- with you now?

MR. TAGUE: Absolutely, ma'am.

MRS. PEOPLES-STOKES: Okay. Distressed farmer shall mean, a New York State resident or a 56 business enterprise including a sole proprietorship, partnership or limited liability company or corporation that meets the small farm classification developed by the Economic Research Service of the United States Department of Agriculture; has filed a Schedule F with farm receipts for the last three years; qualifies for an agriculture assessment and meets with other qualified -- qualified definitions and regulations by the Board to demonstrate that they operate a farm operation as defined in the Section 301 of the Agriculture and Markets Law; has been disproportionately impacted including, but not limited to, incurring operational losses by low commodity prices; faces the loss of farmland through development or suburban sprawl; and meets any other qualifications as defined in the regulations by the Board; New York State resident or business enterprise, including a sole proprietorship, partnership, limited liability company or corporation
that is a small farm operator and a member of a group that has been historically underrepresented in a farm ownership; and meets any other qualifications as defined in by the Regulation Board.

MR. TAGUE: Well, thank you for that and --

MRS. PEOPLES-STOKES: That includes a lot of people.

MR. TAGUE: -- could argue that -- yes, that could -- that pretty much -- if you talk to any farmer in New York State that pretty much includes everybody. I -- I appreciate that --

MRS. PEOPLES-STOKES: Well, I mean, it -- it's been mentioned more than once. You know, this is an effort to create opportunities for New Yorkers prior to creating opportunities for big business.

MR. TAGUE: I had one other quick question and I don't -- and -- and I -- I don't know if it's one that you could answer or Ms. Walker, but I was wondering if this bill supercedes Federal law with regards to Class A and B licenses or private companies that have drug-free workplace policies in effect. After --

MRS. PEOPLES-STOKES: It does not.

MR. TAGUE: It does not.

MRS. PEOPLES-STOKES: It does not.

MR. TAGUE: Okay, I -- I appreciate that. We've touched on this quite a bit today and I -- I'm just going to touch on it briefly. Would you agree that there were -- countrywide, not just in New York, there really isn't a sobriety test available for driving under
the influence of cannabis. Correct? Would you -- would you --

MRS. PEOPLES-STOKES: Well, you know what?
It -- it's actually illegal right now to drive impaired for any reason in
the State of New York.

MR. TAGUE: But -- but really honestly, you know, we don't know at what level the toxicity is where someone is
considered impaired. That's -- that's a lot of my problem with this bill.
You know, we don't encourage people to drink and drive either, but
we -- there is a level, and -- you know, there's actually two different
levels. There's a level for people like you and I that don't have a Class
A or B license, and then there's a level for people that have a Class A
and B license. If they test .5 or more of those that have Class A or B
license, they're considered DWI. Those -- the rest of them are at .08.
So, I have a concern there. You know, in another statement that was
made early, and all due respect, if we are encouraging people not to
use cannabis, I'm just wondering why at this point would we legalize
it. You know, like I said before, Madam, there are some things in this
bill that I agree with it and I think it's a great start. You know, many
speakers have talked about -- on both sides of the aisle have talked
about studies being done and that in this bill there's an opportunity for
us to do studies. I guess my -- my thought would be is why don't we
finish all the studies and -- and put a bill together that covers
everything, you know, in the name of public safety. That -- that --
that's kind of my idea. And again, as always, I thank you for your
time in answering your questions and appreciate your efforts and your
passion for this.

And if I could, on the bill, Mr. Speaker.

MRS. PEOPLES-STOKES: You're so welcome, sir.

ACTING SPEAKER J.D. RIVERA: On the bill.

MR. TAGUE: As I have said in the past, I cannot support any bills that legalize marihuana that do not address the effects legalization would have on impaired driving. This bill does not address the issue of reliable assessing drivers' impairment in a meaningful way. It instead places an arbitrary deadline on the creation of a reliable roadside impairment testing protocol. As some states have lived with legalizations for nearly a decade now, they still haven't developed any procedure or any technology that can reliably tell if a driver is impaired by THC. So, I'm not confident the State will be able to do so by the end of this year, as this bill intends for. We have consequently seen increased rates of driver impairment following legal -- legalization in other states. Aside from those considerations, while those who developed this legislation says it will help farmers, it only includes vague language about providing licenses to distressed farmers without actually defining which farmers would qualify as distressed, within the text of this bill. The fact of the matter is that many farms are distressed in the aftermath of this pandemic, and this bill doesn't go far enough in helping farmers. Along with jeopardizing public -- public safety, it's just not a bill that I can support at this time.

Thank you again, Madam Majority Leader, for your
time. And thank you, Mr. Speaker. I will be voting in the negative on this bill.

ACTING SPEAKER J.D. RIVERA: Thank you.

Mr. Mamdani.

MR. MAMDANI: Thank you, Speaker. I'm proud to be here today to debate the legalization of adult use of marihuana, also known as Loud, Sour D or Mary Jane, Kush, Green, Pot, Weed, ZaZa, a jazz cigarette and marihuana. In the course of this debate I have heard many of our colleagues from across the aisle discuss that smoking or ingesting marihuana is an indicator of lawlessness, a deteriorating quality of life. Makes one lazy and a burden to society. Serves as a gateway drug. And amidst this fiction and, frankly, coded language, I would also like to present a fact, which is that smoking or ingesting marihuana may also lead to becoming an elected official.

I'm very excited to be voting for this bill today.

Thank you so much, Mr. Speaker.

ACTING SPEAKER J.D. RIVERA: Thank you.

Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker.

Madam Majority Leader, I just have a couple of comments that I'd like to make and then I have one question at the end before I speak on the bill. And the first is, I didn't realize that I was a distressed farmer until about five minutes ago. But I don't feel that way. I feel like we work hard in a great occupation and that there is nobility in feeding people, which some of this comes in direct conflict with. So if you'll allow
me to make a few comments. My first rhetorical question is, do you think legalization will increase the cost to do business in New York? I think it will. Is that cost acceptable in light of the existing pressure on businesses already to operate in New York State? I don't think it is. Who do we envision will pay for these increases in cost? And what will the impacts of those increases be? I think we'll all pay for that and more businesses will leave and shut down. Fewer people will be employed. Outmigration will continue. Do we think the cost of -- the general cost of insurance will increase as a result of this? Homeowners, business, life, auto, et cetera. I do. We'll all pay for this. And with respect to the relationship between hemp and marihuana production and food -- food production, I'd like to just make a few comments because we'll have to wrestle through this in New York State. We'll have to wrestle through each acre that's dedicated to legalization removes an acre from food production and feed production. It may artificially increase food-producing farmland acreage costs, as has happened in other states. And I imagine it will increase the cost of labor for food and feed and other production areas as limited labor diverts to marihuana operations, perhaps, potentially increasing the cost of our food and feed for livestock farmers. Higher cost of milk, meat, vegetables, grains, other staples, et cetera, et cetera. We'll all pay for this. And in my opinion, the only way to circumvent this diversion of food production is to clear more forest acres, which will have the derivative effect of reducing our carbon footprint sequestration capability. I don't think in light of all the
conversation on this that's something that we want. But we have to consider derivative effects. Those are all things that I would ask you to think of. And my question is, Madam Majority Speaker [sic], is -- is all of this worth it to us as a society?

ACTING SPEAKER J.D. RIVERA: Mrs. Peoples-Stokes, do you yield?

MR. LEMONDES: Thank you. Excuse my....

ACTING SPEAKER J.D. RIVERA: You're muted, Majority Leader.

MRS. PEOPLES-STOKES: Mr. Speaker, it's my pleasure to yield. If the gentleman can repeat his question.

MR. LEMONDES: I'll withdraw it. It will take too long.

MRS. PEOPLES-STOKES: Okay. Well, if I can respond to some of the comments that you made I -- you know, I really find it interesting that you look at the opportunity to legalize adult use cannabis in the State of New York as an opportunity to increase the cost of business. I'm sure that if people have really thought about the decision that Mr. Anslinger made, the decision that former President Nixon and Reagan made as it relates to criminalizing people of color for cannabis, the cost of government would not have risen in the manner that it has. We have more people in jail in America than most any other country in the world. We have built more jails. We pay for more judges. We pay for more family courts. We pay for more foster care. We pay for more special education and
children and -- and schools because we have separated parents and children. We pay more to take care of people because we have denied them their ability to take care of themself by incarcerating them for low levels of marihuana and it's having a negative impact on not just them and their children, but the grandmothers who had to raise the children while they were incarcerated. The communities where they live. The businesses that surround them. So when we talk about increasing the cost, we can't even afford to keep doing what we're doing and where we're destroying people's lives. This is a chance to rectify that.

MR. LEMONDES: Thank you, Madam Speaker. I disagree wholeheartedly.

MRS. PEOPLES-STOKES: That's okay.

MR. LEMONDES: Mr. Speaker, on the bill.

ACTING SPEAKER J.D. RIVERA: On the bill.

MR. LEMONDES: Thank you. For 27 years in the military I fought drugs. Every single year. No matter what, no matter what the consequence, they still surfaced and they impacted operations. And that's with all the tools of the military available. What will we do to our children here? As a parent, as a father, as a husband, as a business owner, I don't want impairment on my operation in my business. I don't think any other businesses do either. We fought a decades-long war to reduce and eliminate smoking, which we know is bad and killed hundreds of thousands of people, yet, it still persists. The billboard on the way in here says cigarettes
cause 16 different types of cancer, and here we are on the second act of a more dangerous smokable product and it appears we haven't learned. So, in my opinion, as we debate the benefit of legalizing marihuana that this brings us backwards, not forwards. It definitely demonstrates the exercise of personal liberties, but to what end if it -- if it's inherently dangerous to the user, our traffic safety, workplace, schools, society in general. Please consider those implications.

With respect to the workplace safety impacts, how does a business monitor and enforce rules against using legal marihuana? How do you test someone's impairment? And then what do we do about people mixing marihuana and other drugs in the workplace? Think about the impacts on the -- on the employer for that. Furthermore, accidents are the fifth-leading cause of death in the U.S. Nearly half are motor vehicle accidents. According to the National Traffic Highway Safety Administration, in 2010 the cost of each vehicle fatality was almost $1.4 million. That's lost productivity, property damage, insurance, medical cost, et cetera. For every dollar of revenue generated it cost $4.50 where marihuana's been legalized. And I say that because our workplace includes our traffic networks, air, rail, shipping, trucking, et cetera. Do we want this in our workplace? I don't think so.

And I'll share one personal anecdote as well. As a farmer, in seven years I've personally sustained two injuries serious enough to require surgery. Nobody uses drugs on my business, on our property, on our farm. I couldn't image having people impaired
coming to work, especially young kids operating expensive equipment, very expensive, very dangerous equipment in a very dangerous environment. Also, with New York State remaining the only state without comparative negligence for workplace injuries, how in God's name does a business go forward with people that are potentially impaired coming to work every day when the business has no ability to stop them in doing so either before or after? Occupational medical -- medicine experts have concluded it's reasonable and responsible for employers to ban the use of marihuana at any time by employees, contractors and other workers.

I just want to say in closing that I think the risks are far greater than any potential benefits, and that I hope we can all take a step back as colleagues under one roof and ask the question, *Are we really sure we want to do this?* As a parent, again, my answer is emphatically no. There's absolutely no way that -- that I would endanger my children, your children, our friends' children by making this drug more accessible. Mr. Speaker, Mrs. Peoples-Stokes, thank you very much.

**ACTING SPEAKER J.D. RIVERA:** Thank you.

Ms. Miller.

**MS. MILLER:** Thank you, Mr. Speaker. Will the sponsor yield for a couple of questions? A few questions?

**MRS. PEOPLES-STOKES:** Absolutely. Be my pleasure.

**MS. MILLER:** Thank you.
ACTING SPEAKER J.D. RIVERA: The sponsor yields.

MS. MILLER: So I -- I'm just going to go in order. Can the new dispensaries for recreational marihuana, can they be on the same side or in the same building as the medical marihuana dispensaries?

MRS. PEOPLES-STOKES: Yes, they absolutely can. I want to say that the medical marihuana dispensaries have an opportunity to create three new locations, and two of them can be colocations with adult use.

MS. MILLER: So in a site such as that where there's a colocation, will retail buyers have access to the pharmacist for medical marihuana for questions?

MRS. PEOPLES-STOKES: No.

MS. MILLER: Okay.

MRS. PEOPLES-STOKES: Well, I guess they can probably ask them a question but they can't have access to the product unless they have the proper --

MS. MILLER: No, no. Not the medical product, but the pharmacist for questions about the retail products.

MRS. PEOPLES-STOKES: Yes.

MS. MILLER: Okay. The -- there's no potency cap, correct, for THC?

MRS. PEOPLES-STOKES: Right. There's no potency cap.
MS. MILLER: Is there --

MRS. PEOPLES-STOKES: But that is something that can be regulated by the Office of Cannabis Management's Board.

MS. MILLER: Okay. Are there any labeling on the product such as --

MRS. PEOPLES-STOKES: Absolutely.

MS. MILLER: -- serving size, the total --

MRS. PEOPLES-STOKES: Yes.

MS. MILLER: -- number of milligrams per serving size?

MRS. PEOPLES-STOKES: Yes.

MS. MILLER: It's not just a lab report that you would have to look up if you --

MRS. PEOPLES-STOKES: No. It has to be properly identified on the package and it cannot look like it's something that children should desire.

MS. MILLER: Okay. Okay. I have to be honest, I have some concerns that if you're -- the -- the medical marihuana program, as you know, is very, very restrictive. Was, you know, has had very little change since its inception with the exception of adding some conditions, and this does that as well. This bill expands some conditions. My concern is especially in a -- in a place where it's colocated with a medical marihuana dispensary that some of these medical marihuana patients would choose to just use the recreational product if it's easier to access, if they have more variety, more potency
without requiring a prescription. And I'm not sure yet about the cost. I do know that the medical marihuana products are fairly cost-prohibitive. They're very, very expensive. So I -- I do have concerns that it would draw people away from the medical program if they could get something easier and cheaper and possibly with more potency. So I do have some concerns about that. And I'll speak about that after.

My next question, for the designated caregiver facilities, it says they may --

MRS. PEOPLES-STOKES: I do want to say this, though, the taxes are lower for the medical product.

MS. MILLER: Taxes, yes. I know this.

MRS. PEOPLES-STOKES: Yes.

MS. MILLER: The designated caregiver facilities may register to acquire, hold, deliver, transport, administer this product to people who reside in their facilities. But it sounds like this is a "may", not "shall." That they -- they don't have to register to do this. This was also a -- a significant problem that we ran into with the medical marihuana program with group homes. There was a loophole that group homes were not considered and a large percentage of the folks who were -- were looking to use medical marihuana were individuals with seizures, many of whom reside in group homes. And we were able to get the Governor to put through an Executive Order saying that the group homes could register as a designated caregiver. But many of them opted out of it, they chose not to which still leaves
this population without access to the medical product that they -- that they need. We had many families, parents, driving to and from their child's group home twice, three times a day just to administer the oil because their group home chose not to. It -- it was a "may", not "shall" register. And I just fear that we're leaving out that same group of people on a wider scale who may actually have access to the medical program and -- and require -- you know, need it but not able to get it because they're living in -- in a facility that does not --

MRS. PEOPLES-STOKES: Yeah, I -- I understand. But I think you still have to -- you have to allow people to have a choice of not -- whether or not they want to deal with the product --

MS. MILLER: But many don't have the choice of what facility they're living in. There are waiting lists, there's a -- that's a whole separate issue. But, you know, many of these people don't have the choice what -- what residential facility that they're living in. And if they have the misfortune of living in a facility that's not going to opt in, they're out of luck. And it's -- it's a hardship on their families --

MRS. PEOPLES-STOKES: On their family, I'm sure -- I'm sure it is. But to mandate that someone has to use a product that, quite honestly, so many people are not even sure that it's going to be available --

MS. MILLER: No, not use a product, be able to designate a --

MRS. PEOPLES-STOKES: Administer a product.
MS. MILLER: -- a caregiver. Right --

MRS. PEOPLES-STOKES: Yes.

MS. MILLER: That brings me to my next question.

The -- the medical marihuana was overseen by the Department of Health for all these years, yet still not covered by New York State Medicaid. And in this bill it says that they're still not going to require insurance or Medicaid to cover. What -- what is being acknowledged that there is medicinal value, it is a medical program, it's -- and yet we're still allowing them not to consider it as something that they should be covering.

MRS. PEOPLES-STOKES: Well, as you -- as you know, all of this is a -- an opportunity to build compromises and work with people to try to get things exactly like they should be. So if -- you know, I -- I would allow -- I would appreciate if you would allow Member Gottfried to respond to your issues as it relates to medical marihuana. Because we do actually deal -- he has dealt with these issues for multiple years. And by the way, Medicaid is -- is Federal, so I don't know how you make the Federal government decide to do something just because we would like to legalize it in our State. I don't think any other state has access to that as well.

MS. MILLER: Thank you. I have one more question before I speak on the bill. This bill removes the prohibition on smoking medical marihuana, vaping, consuming in a public place. Can you define exactly what is public place? Is it like they can smoke walking down a street or in a parking lot or a beach or -- what is...
MRS. PEOPLES-STOKES: It -- it actually uses the same public smoking laws as cigarettes. So wherever you cannot smoke a cigarette, you will not be able to smoke marihuana. Also --

MS. MILLER: So if I were in a parking lot putting Oliver into the car and somebody next to me was walking and -- and smoking --

MRS. PEOPLES-STOKES: Well, if you live in a city where I live in you wouldn't be able to do that because the city also has rules and regulations about where you can smoke. And so I think if the local governments can make those calls -- right now, you cannot, you know, you can't even smoke at a bus stop in Erie County. And so I -- I think it's -- local governments will make those calls as to where people can smoke.

MS. MILLER: Okay. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. MILLER: You know, I -- I find myself in a weird position here. As many people know, before I was elected to the Assembly I was a fierce advocate for the medical marihuana program. And I fought long and hard with Oliver. We -- we were up in Albany, meeting with many of the Assembly and Senate members to try and get that bill passed. And when I got up here, I found that within my Conference I had a lot of work to do to try and convince a lot of my colleagues the -- as to the benefits of this medical marihuana program and what it could do for, you know, many individuals who
were suffering. And while I believe that expanding the conditions on this bill is a great thing, I really have so many concerns that the -- the medical marihuana program still being fairly pretty constrictive, pretty expensive. Some -- some -- still has problems with consistency and ratios of product. I just -- I have such a concern that many of the people who do need medical -- who are -- who are authorized to receive medical marihuana will simply get it through a recreational dispensary because they will be -- they will have variety, they will have high potency. They can kind of self-treat without having the -- the effort of getting, you know, access through the medical route. And above all, it's cheaper, you know, than -- than the medical program. I'm just -- I have, you know, strong concerns that this is going to put the medical marihuana program basically out of business. And for those who truly, truly need the medical-grade product like my son Oliver, I -- I have really strong concerns that this recreational leg of this is going to put the medical right out.

So those are, you know, my really -- my biggest concerns. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. I'm sorry, I didn't hear you. Would the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, sir, Mr. Speaker. I
will yield.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes yields.

MR. MANKTELOW: Thank you, Madam Majority Leader. And I've got to give you credit, you're a hard worker and you continue to keep driving. In my eyes you would have made a great farmer after doing it for so many years. So my hat's off to you --

MRS. PEOPLES-STOKES: I might be one this summer.

MR. MANKTELOW: Pardon me?

MRS. PEOPLES-STOKES: I might be a farmer this summer.

MR. MANKTELOW: Okay. Well, I'm come up and see your farm.

MRS. PEOPLES-STOKES: Okay.

MR. MANKTELOW: I just have a few questions. Are you familiar with the term CDL?

MRS. PEOPLES-STOKES: CDL, is that the driving license for truckers?

MR. MANKTELOW: Yes, that's it --

MRS. PEOPLES-STOKES: Yes. I am familiar with that term.

MR. MANKTELOW: So if this bill does pass here in the Assembly today and gets signed into law, how do you see that -- how do you see this bill affecting CDL drivers?
MRS. PEOPLES-STOKES: I think CDL drivers if they have a job already will be prohibited by their employer from use.

MR. MANKTELOW: Okay. Have -- when you were putting this bill together, did you happen to reach out to the United States Department of Transportation by any chance?

MRS. PEOPLES-STOKES: I would say over the course of the years we probably did have some conversations with them.

MR. MANKTELOW: Okay. But not recently, ma'am?

MRS. PEOPLES-STOKES: No, not recently. Well, with the exception of the young ladies that's -- you know, were from the District Attorney Association that focus on national transportation issues.

MR. MANKTELOW: Okay. Thank you. I don't know if you know that the DOT at the -- at the Federal level came out with a recreational marihuana notice. Are you familiar with that?

MRS. PEOPLES-STOKES: I am not familiar with that. But I also know that it was at the Federal level that marihuana was made illegal, and I also know that some 14 -- um, 15 states have already legalized it as well as one country.

MR. MANKTELOW: Yes. And -- and I know that the Department of Transportation office, they actually came out and called this a drug and alcohol policy and (inaudible) compliance notice.
MRS. PEOPLES-STOKES: Okay.

MR. MANKTELOW: So this is a -- this is a memo that came from the Secretary of Transportation. I just want to share it with you. Recently, some states passed initiatives to permit the use of marihuana for so-called recreational purposes. We have had several inquiries about whether these state initiatives will have an impact upon the Department of Transportation's longstanding regulation about the use of marihuana by safety-sensitive transportation employees. Are you familiar with that term, "safety-sensitive transportation employees," madam?

MRS. PEOPLES-STOKES: It sounds like a terminology I've heard before.

MR. MANKTELOW: Okay. So I -- I did a little more research on this just to find out who they were, and these individuals would be pilots, school bus drivers, truck drivers, train engineers, subway operators, air traffic personnel -- or I'm sorry, aircraft maintenance personnel, transit firearm security personnel, ship captains, as well as pipeline emergency response personnel and many others. Hey, I was really surprised by this. And they -- they further go on with their -- with their memo, We want to make it perfectly clear that the state initiatives will have no bearing on the Department of Transportation's regulated drug testing program. The Department of Transportation's drug and alcohol testing regulation 49 C. F. R. 40 does not authorize the use of any Schedule I drugs, including marihuana, for any reason.
MRS. PEOPLES-STOKES: Well, you know, I would hope that the person who has that job that you mentioned, should they be my son or anybody -- my brother, I would make sure that they understand that this legislation is for responsible 21-year-olders. And if you have a job where your employer doesn't allow you to do this, then you have to be responsible and not.

MR. MANKTELOW: Absolutely, I totally agree with you. And just a little -- a couple of more paragraphs that was written, and it says, *It is important to note that marihuana remains a drug listed in Schedule I of the Controlled Substance Act. It remains unacceptable for any safety-sensitive employee subject to drug -- drug testing under the Department of Transportation's drug testing regulations to use marihuana*. Just -- just exactly what you and I just talked about. And it's signed by the Office of the Secretary of Transportation.

Are you -- are you familiar with the Omnibus Transportation Employee Testing Act of 1991?

MRS. PEOPLES-STOKES: I am not. Perhaps you'll make me aware.

MR. MANKTELOW: Sure. I'll share just a little bit with you. So what it -- what it really revolves around is the Federal -- the Federal side of this. The following agencies establish drug and alcohol testing regulations, and some of these -- some of these testing regulations are through the FFA -- I'm sorry, the FAA, Federal Aviation Administration; the FTA, Federal Transit Administration;
the FMCSA, Federal Motor Carrier Safety Administration; the FRA, the Federal Railroad Administration; the PHMSA, this is the last one, Pipeline and Hazardous Material Safety Administration. So, if we do pass this bill this is definitely going to affect each and every one of those organizations.

MRS. PEOPLES-STOKES: Not actually, sir. The bill actually -- specifically says that if you are required by a Federal statute, regulation or ordinance or any other State or Federal mandate, you are not eligible to be a responsible adult and use this product.

MR. MANKTELOW: Okay.

MRS. PEOPLES-STOKES: Period. It also says that employers in industries that are regulated by the Federal government such as trucking, airlines or railroads would not be compelled to violate existing Federal laws and rules that require strict no cannabis policies.

MR. MANKTELOW: Absolutely. I 100 percent agree, and that's exactly what it says. So --

MRS. PEOPLES-STOKES: And that's exactly what our bill complies with.

MR. MANKTELOW: Okay. So you see that this bill in New York State would be able to work around this, then. Is that what you --

MRS. PEOPLES-STOKES: No. I don't see it being able to work around it. It clearly says that if you have a job with the Federal government that requires you to have a no cannabis policy, the
fact that we legalize responsible adult use in New York State doesn't allow you to violate your employer's rules.

MR. MANKTELOW: I -- I 100 percent agree.

What -- what are your thoughts about secondhand smoke with -- with marihuana?

MRS. PEOPLES-STOKES: I think that there are provisions for that in the legislation as well. There are a number of places where you are not allowed to smoke it. I think if you are the responsible adult who is over 21 years old, you would do so in a responsible manner and you would not offer anyone else an opportunity to smell your secondhand smoke.

MR. MANKTELOW: Okay. So some of the individuals that I was just talking about, whether you're a truck driver, school bus operator, ship captain, what -- what happens in this situation where they're already at a party, they're at a social event or they're just walking down the street in New York and several individuals in front of them are actually smoking weed and the -- the secondhand smoke is actually coming back towards them. What happens to those individuals who show up to work on Monday or Tuesday and their name is pulled for a -- a drug and alcohol test, which happens especially for truck drivers, they go to have the drug and alcohol test and it comes back positive, the driver knows he has not smoked marihuana at all. What happens in that situation?

MRS. PEOPLES-STOKES: That's a good question, sir. You can smoke marihuana and it could actually be in your system
for almost 30 days. Or you can smell it. I guess it could be in your system that long as well. I would probably cross the street if it was me. But I -- this bill can't cover every scenario that people may fall into. Again, I want to repeat this. This is for responsible people who are over the age of 21. Would you and I desire to see everyone who is responsible behave properly? Yes, we would. But we know that sometimes they won't. So, you can't hold that against this bill, because somebody does something inappropriate every now and then. After all, this is America.

MR. MANKTELOW: Yeah, I -- I agree. But I think in this situation the individual is not doing something inappropriate, they just happen to be at the wrong spot at the wrong time. And that there's got to be a way to mediate this because we cannot have truck drivers and school bus drivers lose their job or be put on leave until it's out of their system. And -- and I did a little research on secondhand smoke, Madam, and the ANR -- the ANRF says -- states, *People who are exposed to secondhand marihuana smoke can have detectable levels of THC in their blood and in their urine.* The ASHRAE also states, *The standard 62.1 reaffirms there is no safe level of exposure to secondhand smoke. Marihuana can last in your system from one to 30 days and even up to 90 days in your hair.* And I just wanted to share that with you because I think this is something that should have been looked at prior to this bill being drafted, but it -- it wasn't and I think we do need to take a hard look at that if this bill passes. So I would appreciate working with you on this.
So I listened to many of my colleagues and -- and across the aisle as well, you know, we've heard a lot of things already today here. But what are some of the positives of -- that you see making this legal?

MRS. PEOPLES-STOKES: What are some of the positives? Should I start at the beginning where I started when we opened up? First of all, you know, this will end 90 years of prohibition. And, you know, the reason why it was prohibited is not because it was hurting anybody, it was prohibited because the people who decided to do it didn't like the fact that people were enjoying jazz music. So they said, Well, we’re going to make this illegal. Perhaps *those people will stop playing jazz music*. Well, guess what? They didn't stop playing jazz music. And in the process of that we have literally destroyed the lives of multiple thousands of people. That's the good thing about this legislation. We're going to try to not just eliminate the prohibition, but we're going to turn around the lives of some of those people and try to help them be able to take care of themselves, their families and their communities, much like you're able to do, sir, without a record.

MR. MANKTELOW: So -- so, Madam, is the revenue side a -- a positive of this?

MRS. PEOPLES-STOKES: Is that a rhetorical question? Because I think revenue is a positive to most things in America.

MR. MANKTELOW: Okay. I mean, let me rephrase
the question. I'm sorry.

MRS. PEOPLES-STOKES: Yes, do that.

MR. MANKTELOW: Are you driving this because you want the revenue?

MRS. PEOPLES-STOKES: No. I'm driving this because I want people to be free from being incarcerated for a product that people in your community use every day.

MR. MANKTELOW: Okay. I appreciate that because I -- I think when I hear the revenue side, I think we need to be very careful because we --

MRS. PEOPLES-STOKES: Don't -- don't look for motivations from me because I'm going to tell you why I'm doing things. It is -- it's not hidden.

MR. MANKTELOW: No, I'm -- I'm not -- I'm just asking. And I think from the revenue side, I think that in Albany we -- we tend to have revenue come in and it gets lost in this -- this black funnel down here and it just sucks everything away. You know, the State Lottery was going -- going to be the savior of all of our -- our school funding. And I did the work on that a few weeks ago and it's just -- it's not there. Some of the money goes there, but not a lot of it. And, you know, I -- I look at the revenue side, and if it's really partially about the revenue side, you know, we could look at some real savings here in Albany. We could look at a -- a two-year budget cycle. Instead of doing the budget every single year, we could be doing the budget every other year. We could do a two-year budget
cycle and save our taxpayers a whole lot of money. You know, and I mean, if we're looking at revenue as well, I -- I see it this way: That the -- the public financing of our campaigns, we don't need to do that. We've done this for years without it. Let's save that money, put it back into the budget, back into the coffers, and use it to keep taxes down.

And -- and my other thought was, you know, I'm worried about our local municipalities, our counties, our towns, our villages. They're going to have to absorb some of these hits with -- with what's going on, and I have concern that this is going to be another unfunded mandate that our taxpayers back home have to deal with.

So I really just have one last question for you, Madam Majority Leader.

MRS. PEOPLES-STOKES: Okay. Sure.

MR. MANKTELOW: When you were working on this bill, did you ever reach across the aisle to talk to any of us on the Minority side about some of our concerns or some of our thoughts and points on this?

MRS. PEOPLES-STOKES: Actually, only one -- one or two of you people reached across the aisle to me.

MR. MANKTELOW: They did.

MRS. PEOPLES-STOKES: My name was the lead sponsor on the bill and that happened to just be last week. And I want to say after the bill was already completed, completely negotiated and
agreed in a three-way manner, one of your colleagues had some recommendations. Well, sir, it doesn't work that way.

MR. MANKTELOW: It doesn't work that way?

MRS. PEOPLES-STOKES: No.

MR. MANKTELOW: So -- so in a situation, how would we get our points across to you prior to this debate, or our concerns?

MRS. PEOPLES-STOKES: I'm been seeing -- I've been here almost every day since January. And I have a phone number.

MR. MANKTELOW: Okay. I appreciate that.

Madam Majority Leader, I thank you for your time and your patience and your -- your honesty --

MRS. PEOPLES-STOKES: You're very welcome, sir. Any time.

MR. MANKTELOW: -- and your answers. Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: Today we're looking at a piece of legislation that is somewhat controversial whether you're on the right side or the left side or down the middle. You know, it -- it really is. And it's going to change the landscape of New York State. It's going to change the landscape of who we are, what we're up against and -- and who we represent. And all I'm asking today is, think about
this. This piece of legislation, if we took the time and worked together across the aisle before this bill was even drafted, we wouldn't have to sit here and spend hour after hour after hour debating a bill that we finally got the final version just a few days ago. We could sit down together and draft it for everyone.

(Buzzer sounds)

My time's up? Thank you, Mr. Speaker. I appreciate it.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker. Will the sponsor please yield for a few questions?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Of course, Mr. Speaker.

MS. GIGLIO: Thank you. So, out of the $37.4 million in the Executive Budget for startup and setup of the Alcohol and -- Office of Alcohol and Beverage Control to manage the rollout of legalization of recreational cannabis, am I correct in understanding that there have been zero dollars that have been set aside for the training of Drug Recognition Experts?

MRS. PEOPLES-STOKES: No, I don't believe you're correct on that. I think it will not necessarily cost $37 million to set up a new office in terms of staffing. And so I think that there is a real possibility that some of those dollars will be used to begin that
training process as well as at least minimally begin the research for the RFP process to determine which SUNY institution or which research institution in the State of New York will be able to do the deep dive into determining what impairment looks like.

MS. GIGLIO: Okay. And I just -- I -- I thought I heard you before saying that the Federal government reimburses for the Drug Recognition Expert training. Did I hear that correctly?

MRS. PEOPLES-STOKES: Ms. Walker may have said that. I actually didn't. But that is a -- a real... but that is correct.

MS. GIGLIO: Okay. So, the Federal government will reimburse departments for cannabis training when cannabis is not legal Federally.

MRS. PEOPLES-STOKES: Equipment and training.

MS. GIGLIO: Okay. So, DREs currently are trained by New York State and also out-of-State. They receive two weeks of academic training, one week of field evaluation where they go to Jacksonville or Arizona and clinics where there are drug users in order to identify physiological responses depending on the drugs that they're currently using. The DREs are trained to recognize CNS depressants, CNS stimulants, dissociative anesthetics, PCP, narcotic analgesics, heroin and oxycodone, inhalents, anesthetic gases, cannabis and hallucinogens. When a patrolman suspects use in a traffic stop, they call a DRE. The DRE evaluates, if they're available, by interview, baseline and mannerisms. In 2,500 square miles in Suffolk County
there are 11 DREs. In the North Fork of Long Island where my
district is, there are zero DREs. In the Town of Southampton, there is
one DRE. If there is no DRE available they call to Suffolk County
Police Department or they call to New York State Police Department.
We have canine patrols that in 2018 in fear of this law coming into
effect, they started transitioning dogs out of marihuana and cannabis
because you can't retrain the dogs. Once they're trained in cannabis,
they have to be decommissioned. It cost $8,000 to purchase a canine,
$8- to $9,000 to purchase a canine, and the certification takes 26
weeks where the canine officer has to take those 26 weeks essentially
and just train the dog. Do you expect that there will be a
reimbursement for the dogs that the small municipalities and that the
police departments have paid for that will be decommissioned when --
I mean, 26 weeks of training and $9,000 for a dog when the dog
becomes decommissioned based on this legislation, you know, you --
you could talk about anywhere between $50- and $100,000 for each
dog --

MRS. PEOPLES-STOKES: I think that's -- that's
completely -- completely possible because it is for equipment and
training.

MS. GIGLIO: Okay. So, in this legislation you
cannot use a canine dog for probably cause. Correct?

MRS. PEOPLES-STOKES: Correct. Is that correct?
I'm going to have to look that up. Hold on one moment. I want to
give you the right answer.
You can't use -- you can't use odor, so... so I'm going to say that you're right. You can't -- you can't use a dog if you can't use odor while -- the dog would smell, right?

MS. GIGLIO: Okay. Are you familiar with case that took place in Colorado where they stopped -- stopped a suspicious driver because they smelled cannabis, and there were two kilos of cocaine in the vehicle. And the case got thrown out because they couldn't use the probable cause of the smell of cannabis.

MRS. PEOPLES-STOKES: I'm not familiar with that.

MS. GIGLIO: Okay.

Onto adult use and onsite consumption. Is there any idea as to how -- what the number of people are that could be smoking at an onsite consumption facility at any particular time within 500 feet of a school or 200 feet of a church?

MRS. PEOPLES-STOKES: So, repeat that question.

MS. GIGLIO: So you have an adult onsite consumption campus.

MRS. PEOPLES-STOKES: Yes.

MS. GIGLIO: Do they -- is there anything that says they have to smoke inside? Can they smoke outside on the site within 500 feet of a school or 200 feet of a church?

MRS. PEOPLES-STOKES: They have to smoke inside, and where they are located will be up to the municipality that allows them to have...
MS. GIGLIO: Okay. So the municipality --

MRS. PEOPLES-STOKES: And they have to be 200 feet from a church. Much like alcohol and getting a liquor license, you have to be a certain distance from churches.

MS. GIGLIO: Right. It's 200 feet from a church and 500 feet from a school. But I know that the schools that my children -- children have attended, the windows are open, and same in the churches, from March, April, all the way through the end of the school year in June. And I worry about this type of onsite consumption facility being 500 feet, which is very close, away from a school window. If it's permissible --

MRS. PEOPLES-STOKES: Honestly, I -- I kind of doubt that your local government would allow it to be that close.

MS. GIGLIO: Okay. And municipal -- municipalities can opt out of dispensaries and onsite consumption facilities, but they cannot opt of growing facilities, is that correct?

MRS. PEOPLES-STOKES: That's correct.

MS. GIGLIO: Okay. Do we know how many cultivation licenses and how many onsite consumption facilities and how many distribution facilities there will be within a square mile or based on acreage of farmland or anything to that effect?

MRS. PEOPLES-STOKES: I do not. That is something that would be established by the regulatory process.

MS. GIGLIO: Okay. Do you think it's important to have DREs in place when this program rolls out so that we are
prepared? Bail reform cost million dollars -- millions of dollars to local municipalities and we're still catching up. It was an unfunded mandate and it -- we were not ready to roll it out. But this legislation is a matter of public safety, and officers need to be trained in order to identify and evaluate and find if someone is driving impaired. I think it's very important that they are trained when this program rolls out and we're not playing catchup. Now, at the end of 2020 when I left local office, we still didn't have the connectivity between police departments on bail reform to determine whether somebody got locked up in a town ten -- ten days ago -- I mean, ten minutes ago from one crime and then came into our town and did the same thing. So, I fear the bail reform unfunded mandate, that this is going to be another unfunded mandate that the local municipalities are going to have to pay after coming out of a pandemic, still trying to recover resources that they had to expend. And I just think that the DREs need to be in place. Traffic safety and safety on the roadways is utmost important, and I hope that you will consider that when we are talking about the budget and making sure that there is funding to small police departments and big police departments and local municipalities in order to make sure that they're trained when the day comes and, you know, marihuana is legalized for consumption.

MRS. PEOPLES-STOKES: Well, I do hear your concerns and, quite honestly, I share many of them. But, you know, I will remind you and others that this is already a $3 billion industry underground. So there are some people -- I don't know if they're
impaired or not, but I do know that they're probably driving on our roads, one. Two, this legislation will provide for local governments to get access to money, either the county and/or the municipality who allows onsite consumption and dispensaries to be in their communities. And three, there is a 20 percent of the resources that will be raised every year can be used for local law enforcement to get access to provide the training and the resources, the equipment that they need. So, I -- I think the legislation is covering the issue of public safety in the manner that is -- is available to us right now.

MS. GIGLIO: Well, I thank you very much for answering my questions, and I understand --

MRS. PEOPLES-STOKES: You're very welcome.

MS. GIGLIO: I understand. And I just hope that those resources are available for our police departments in order to do their jobs in the sake of public safety. Thank you.

MRS. PEOPLES-STOKES: You're welcome.

ACTING SPEAKER AUBRY: Mr. -- Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker. Will the sponsor -- sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MR. BYRNE: I see you nodding your head, so I -- I'm going to take that as a yes. I know it's been a long day and I want to thank you for taking the time. I know when we ask questions, sometimes we can turn our camera off and walk away but you're doing
this through the -- the entire debate, so I -- I do appreciate you taking
the time to answer our questions.

My first question kind of goes through some of the --
my -- my main objective is when we decriminalize marihuana and it --
it falls to the point of how we're treating tobacco and how we're
 treating marihuana use, cannabis. And you kind of answered this
question a little bit already, but I wanted to dive down a little bit
deeper to -- to -- to try to highlight some of my concerns. When this
law is fully in effect, what public spaces will a person be allowed to
smoke cannabis?

MRS. PEOPLES-STOKES: It -- it depends on which
community you live in. If you live in Erie County you cannot smoke
it on a bus stop. You cannot smoke at a playground. You cannot
smoke -- smoke in the county park systems, and you cannot smoke in
a car based on this legislation. So it could be that your community
allows people to smoke at bus stops. Now, maybe people will smoke
there, but I -- so it depends on the local government.

MR. BYRNE: So I understand that -- that answer
when you said that before. So -- but what we're going to -- there is
some element of local control and regulation in place --

MRS. PEOPLES-STOKES: (Inaudible) the same as
tobacco products. Let me repeat that one more time.

MR. BYRNE: I'm sorry, I'm working remotely. I
have someone leaf-blowing outside, making some noise. But my
point is, if they can control locally that's still for tobacco use right
now. You're saying anywhere you can smoke a tobacco product, you
will be able to smoke cannabis, is that correct? Is it safe to that say
that?

MRS. PEOPLES-STOKES: It is -- it's safe to say
that. But it's also safe to say that cannabis smoking must follow Clean
Indoor Air Act rules and regulations. And also whatever regulations
the local governments put in place for where people can publicly
smoke cigarettes, they will be banned from publicly smoking cannabis
as well.

MR. BYRNE: And -- and, Mrs. Peoples-Stokes, I do
understand that. I -- I know in New York we've actually strengthened
the Clean Indoor Air Act a number of times by adding vaping into that
category for regulations as well, which I supported. But this doesn't
give a local municipality authority to impose any increased fines to
treat cannabis differently than tobacco. If they wanted to put a ban to
say -- you know, they may not have a ban right now for a bus stop but
they want to put a ban saying no -- no cannabis use. They're not
allowed to do that. If they want to say no smoking in parks -- some --
some of my towns I represent, there's no smoking in some parks.
Other towns allow it. If they want to say, You know what? Tobacco is
okay but marihuana is not okay, are they allowed to do that? My
understanding is no.

MRS. PEOPLES-STOKES: They are allowed to do
that, sir.

MR. BYRNE: They can -- they can put in their own
policy that treats cannabis differently than tobacco. A local
government can do that?

MRS. PEOPLES-STOKES: Yes.

MR. BYRNE: Okay. Well, that -- that's -- that's
news to me, and I -- I appreciate that because one of my main
concerns is as written by just simply complying with the Clean Indoor
Air Act -- there's a lot of hypothetical examples I could bring up, but,
you know, if I'm walking my niece, nephew or you or anyone else in
this Chamber is walking a loved one, a youth, from -- from one place
to the next, it could be a local park, to the -- the candy shop or ice
cream shop and they're walking by a main street and someone's
smoking a joint outside, I have concerns about it being treated like
tobacco, because it's not. It impairs judgment, as you pointed out. It
seems that this law specifically treats marihuana differently than --
than tobacco with the use of a vehicle. So it -- it seems to accept that,
that it is different than tobacco. And so I want to make sure that what
-- we do have the ability, if nothing else, for local governments to put
in those -- those added types of restrictions. That (inaudible) --

MRS. PEOPLES-STOKES: (Inaudible).

MR. BYRNE: I'm sorry, I'm not sure if you were
trying to say something, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I wanted to get the exact
law to give you the number so you can go take a look at it. It's Public
Law [sic] 1399(r), Public Health Law.

MR. BYRNE: Okay. Thank you.
MRS. PEOPLES-STOKES: Because I hear what your concern is. I don't want to walk down the street with my people and other folks are smoking it on the corner. I -- I don't want to. But every community is different and they can decide how they would like to handle that.

MR. BYRNE: Yeah. And I was --

MRS. PEOPLES-STOKES: And I want to reiterate again that this law is for responsible folks who are over the age of 21. Responsible people are not going to ask you what your -- what your daughter or your niece does smell marihuana while you're going to get ice cream.

MR. BYRNE: I -- I agree with you, and I understand that's your intent. Unfortunately, the folks -- there are people that are irresponsible out there, plenty of them. And we do have things like open container laws. So I would -- I would think it makes more sense to treat this more like that than -- than tobacco. And when we did decriminalize it and we took away that burning penalty and treated it similar, that -- that was one of my concerns back then. So --

MRS. PEOPLES-STOKES: (Inaudible) the open container law, sir. It's applicable to open container law.

MR. BYRNE: It's a similar type --

MRS. PEOPLES-STOKES: You can't sit in -- you know, be sitting in the back of somebody's car or even driving with an open can of beer, you cannot smoke marihuana either.

MR. BYRNE: Good. Well, I was thinking of
another example, too. I'm not in the Chambers now, but I know you're not allowed to smoke tobacco products right outside the doors where people come in. But I also know there's a lot of schoolchildren in a post-pandemic world that tour our Capitol and it's a beautiful thing to see. But if the line is long while they're waiting to go through security, I don't want someone being able to maybe, you know, smoking on the sidewalk and then, you know, kids are able to -- to get some sort of secondhand smoke. So that's just another example.

You answered -- you answered my question. I appreciate that. The opt-out provision, it was mentioned about how this legislation was collaborating with the Minority. I do know there was a lot of different forms. I participated with my counterpart in the Senate who is in the Majority locally, and there was a lot of different feedback that was -- was given. One of the feedback -- pieces of feedback that I got and I -- I shared was I wanted a local opt-out provision, not just a county opt-out provision. But what I find interesting is this seems to be just a local opt-out provision and does not include the counties the option of opting out. Could you explain what -- what the reasoning for that was? Why it took out the counties' ability to opt out?

MRS. PEOPLES-STOKES: Well, I think the reason is that while there are 62 countries there are more local governments; cities, towns and villages. And they should be given the -- and they have a governing Body. They should be given the opportunity to make that decision whether or not any dispensary or a social
consumption spot will be in their -- in their municipality.

MR. BYRNE: I -- I -- I understand that, and that's why I wanted the local option, too. We have some very small counties as well. I represent two different counties; one very, very large one, Westchester County, and then Putnam County is a relatively small county. I -- I find it interesting, too, because the -- the revenue picture of this. And thank you again for not putting this -- having this in the budget. This shouldn't be a -- a budget-fix bill, and I appreciate that we're at least debating the bill on its merits independently. But the four percent tax, is it accurate to say 75 percent -- or three to four percent is going to local governments and the other quarter is going to county, is that correct?

MRS.PEOPLES-STOKES: That's correct.

MR. BYRNE: So going back to my other point about counties and local governments, in Putnam County I represent, we have one sheriff's department. And I would -- I would venture to guess that part of the cost that local governments are going to take on is law enforcement. Some local departments -- some local towns have a police department, some don't. So the county is going to be taking that brunt, that cost. So -- so Putnam Valley is one town I represent. It's on the western side of the county. They don't have a local police department. It doesn't really make sense to me why they would get the three percent, the -- the three-quarters, but not the county when the county has a sheriff's office. That's -- I mean, is -- is -- do you have an answer to respond to that? Is there another --
MRS. PEOPLES-STOKES: Well, I would say I actually have some municipalities in my county like that as well, that don't have their own law enforcement. So I think what will happen with Putnam is they will either try and access through the Office of Cannabis Management the 20 percent of the revenue that will be available for providing opportunities for law enforcement to get the training and provide the services that they need. And I think the other thing that Putnam County will probably do is to create a relationship with the governing Body of their town or village and say, Hey, we're providing you with a service. You're going to need to give us some extra dollars to do it. You're getting three percent. So, you know, I think they'll just have to work together to figure that out, and they will. I know our local government --

MR. BYRNE: (Inaudible) answer. I'm not -- I'm not so sure about the -- the -- the folks in the Town of Putnam Valley and the actual local government. I appreciate your answer. I would just proposition one more -- note one more idea. I know this is likely going to pass. I -- I know you've been working on this for a very long time and there's been a lot of different forms throughout the course of not just this year, but many years. COVID has obviously put some challenges in place for this. But even though it's likely going to become law, I don't think things are necessarily permanent in place and there's always opportunities to make things better and improve upon them. And I would hope that some of the comments that were shared with you today might be able to be adopted to try to improve
One thing I would add is for these smaller counties, perhaps we can allow them the opt-out option unless the town has a local law enforcement agency and chooses to opt in. So maybe there's another way to add that flexibility.

But again, Mrs. Peoples-Stokes, I want to thank you for your time and your attention and all your work on this bill. I -- I will be voting no but I -- I do have a lot of respect for you and what you're trying to accomplish.

MRS. PEOPLES-STOKES: Thank you so much. And I hope you do recall that, you know, the three percent is only if you have a dispensary. So if Putnam doesn't have any dispensaries in it all, no matter what limits -- penalties are within it, there is no share.

MR. BYRNE: Yeah, I -- I -- I understand that. So -- and it might be a split. I don't know what's going to happen there. I'm not sure what's going to happen in Westchester County. But thank you, thank you to the sponsor.

You know, Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BYRNE: I'm not sure how much time I have left. I just want to thank the sponsor again for at least taking the time to answer some of these questions. I outlined one of my main concerns. There's a lot of concerns my colleagues have eloquently listed already about this bill. But one of my -- my main concerns is about being able to smoke in public spaces. The way the bill is drafted it's going to be treated more -- more similar to tobacco which,
to me, makes absolutely no sense. I appreciate the sponsor being able to share that local governments will have the opportunity to -- to maybe put in some more stricter guidance and regulations, because I don't think it's appropriate for people to be able to just smoke outside in public. Just like most folks wouldn't agree with people just drinking on the -- outside on the street. Particularly, this is even worse because there is that secondhand smoke element to it, and it seems that our -- our Body in the Assembly goes -- you know, we bend over backwards to expand the Clean Indoor Air Act because we care about clean air, and I know so many of our colleagues do. So it just seems to be a little bizarre that we would do something that could be misused and enable people to smoke cannabis out -- out in the open and in front of folks.

But with that, Mr. Speaker, again, I will be voting in the negative. I know there's advocates that have been pushing long and hard for this type of legislation. I think we've done a lot already. I've always supported the medicinal marihuana program. From speaking with colleagues like my colleague on Long Island, Melissa Miller, even my -- my predecessor, Steve Katz, for those that remember him. I learned a lot about the importance of medicinal marihuana and I've embraced it. I supported its expansion. But I've never supported recreational use for marihuana because it does impair judgment. I think it goes too far. And you know what? There is a reason a lot of medical providers and experts also object to legalizing cannabis for medicinal use. And on that, I noticed some social media
earlier today. Today is actually National Doctors Day. I didn't put in a resolution. Perhaps I will next year if someone doesn't beat me to it. And I find it a little bizarre that we're not listening to the doctors on National Doctors Day.

But I do want to again thank the sponsor for her work and I will be voting in the negative, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Mr. Salka.

MR. SALKA: Thank you, Mr. Speaker. Would the sponsor yield for a question or two?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, I will, Mr. Speaker.

MR. SALKA: Thank you, ma'am. And first of all, I want to express my -- my appreciation for your passion and your dedication to this. You've shown focus and -- and I -- I -- I so much respect what you're doing here.

I -- I have a question. Has anyone done a cost analysis, if you will, on what the impact might be on healthcare of this bill? And -- and the reason I ask that is because there's been a number of studies that show from other states, pretty well-documented, that there's increased hospital emergency department admissions. There's increased admissions for motor vehicle accidents. And one in particular, because of my healthcare background, is the impact on the numbers of people that suffer from Chronic Obstructive Pulmonary Disease. Now, there's been a number of studies done by reputable
organizations like the National Institute of Health that have said that people who chronically smoke marihuana have certain ailments that predominate: Large airway inflammation, increased airway -- airway resistance, lung hyperinflation. A number of the cardinal signs that you see with people with chronic lung disease. And my concern is is that with the increase in -- the probable increase in the numbers of people that will probably be seen in emergency rooms and consequently have to be admitted to hospitals because of the treatments that they need, one of the other -- one of the other issues with people who chronically smoke marihuana is that they show more -- more prevalence for chronic bronchitis. Something that needs to be treated with antibiotics, sometimes with bronchodilators, and if it gets worse, then of course then they have to seek a higher level of acuity. So, is there anything in this bill -- and I don't see anything, but there might be. I didn't read every single word of it. Is there anything that -- that shows that there was any kind of study done on -- on the impact of healthcare? And my concern is of course is we're already in a Medicaid deficit, and obviously there would be patients that would be seeking care that are covered by Medicaid. Is there any idea that we have on the dollar amount on what the impact would be for people who increase the -- their usage of marihuana?

MRS. PEOPLES-STOKES: No, sir. This is not something that we have studied. But as you mentioned, we have reviewed what they have done in other states, and what -- what we see first of all is that most other states don't already have an existing
market like we do in New York where multiple -- thousands of people are daily using this product, otherwise it wouldn't be at such a high dollar amount underground being earned. But we also found that, you know, doctors and social scientists have addressed this phenomenon in a real kind of positive way, trying to keep people safer. In fact, some emergency rooms are really pleased that people will come to the emergency room and say what it is that's -- that's -- why they're there. Because oftentimes, in the dark world of all of this in keeping it underground, people won't go to the nurse -- to the emergency room because they know that it's -- it's an illegal product. This is actually helping people get healthier as opposed to staying healthier -- staying unhealthier by not going to the ER. So we haven't done a study, but we have done a perusal of what other states have done and what comes out of it. And clearly, more people going to the ER gets us to a better place for a healthier people. We are still right -- we would be, you know, monitoring the health impacts now if we -- after we complete the studies. So we can't do both of these at the same time.

MR. SALKA: Well, I just know that, like, for instance, in regards to cigarettes, we had the lawsuits against the cigarette -- the tobacco companies that yielded billions and billions of dollars in settlement money. A lot of the counties used that settlement money to offset their Medicaid costs, and along with some education components in that. So I would hope that if, in fact, we find -- and I think it's inevitable that we're going to find serious medical issues with -- with the chronic use of marihuana, and now that it is going to be
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made legal that we're going to have even more people using it so that, in fact, we're probably going to have a situation where there are going to be more health-related issues. As a matter of fact, the Institute -- the National Institute of Health found that the commercial-grade marihuana has 50 percent more benzaprine [sic] in it, 75 percent more phenyls, vinyl chlorides, nitrosamines, free radicals. So this increased consumption of marihuana seems to me that it's logical that there's a higher probability that we will see more of a demand on the medical systems that will inevitably cost money. And I would hope that if there is a time where we look at these big marihuana companies - because it's going to be big business, there's no doubt about it - we're going to want something from them. They're making profits, society's paying money to treat the people that are the result of -- of what their product is causing. So I would hope we can keep that in mind. And of course I see and am very encouraged that there is a component in here for education. I was a certified tobacco cessation counselor for a long time, and we definitely have to consider a key component of this, especially for our young people. A key component of this will be education and giving them the information they'd need to make the right decisions.

And again, I want to thank you for your time.

MRS. PEOPLES-STOKES: You know what? I really appreciate your comments. A fellow -- I hear your sincerity. And, you know, we sort of kind of for the last eight years have been looking at what other states have done around these issues as well, and
honestly, the number of people using cannabis, particularly young people, decreases once you regulate it and get out of the areas where they get frequent access to it. Where that -- where we see increases at across other states have not been in young people, it's been mostly in baby boomers. And I'm going to say that -- I'm going to guess that they probably are healthier, more responsible adults who will not necessarily create all of the negative impact issues that we are hearing on a regular basis here today.

So I appreciate your comments, and I think we're doing the right thing here by certainly providing for the education. And I think that's probably the reason why the, particularly youth numbers go down. It's because they're more informed and they don't have access anymore.

MR. SALKA: Thank you, madam. And thank you for your answers and -- and your patience. Like my colleague said, I know it's been a long day and, you know, you've been the focal point and I --

MRS. PEOPLES-STOKES: It's been a long eight years, so we can take a couple days to do this.

MR. SALKA: Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SALKA: Thank you, sir. And again, thank -- thank you for the Majority Leader's time. I will be voting against this only because -- well, for a number of reasons. One is there so many
unanswered questions that have been brought up through this debate, and I think those answers -- those questions really need to be answered a little bit more thoroughly before we take a bill with such societal impact and what it's going to do to, you know, to -- to our great State. But again, I think it's so important - it looks like the bill will pass - it's so important that we do have an education component to this, that we keep the risks to a minimum, essentially to our young people who are already because of the pandemic gone through so much.

So I -- I appreciate -- I appreciate the time of the -- of the Majority Leader, and like I said, I will be voting in the negative and I urge my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Walczyk.

MR. WALCZYK: Thanks, Mr. Speaker. Would the sponsor yield for a couple of questions about the repeal of prohibition?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: It would be my pleasure, sir.

MR. WALCZYK: First of all, thank you. I just want to say sincerely, I know we have a budget coming up in the next couple of days. You've chosen to present this bill as a standalone bill rather than lump it into some Big Ugly in the budget process and I
sincerely appreciate that because I think it warrants a public debate that's outside of that conversation. So thank you for bringing it forward.

I just wanted to ask a couple of questions about penalties, if you'll yield.

MRS. PEOPLES-STOKES: Penalties -- criminal penalties?

MR. WALCZYK: Both criminal and business penalties.

MRS. PEOPLES-STOKES: Okay.

MR. WALCZYK: So, through you, Mr. Speaker, the current penalty for smoking marihuana in public is -- is what?

MRS. PEOPLES-STOKES: The current penalty for smoking marihuana in public. Give me a few seconds. I'll find that for you.

(Pause)

MR. WALCZYK: I think, Madam Majority Leader, it's a $50 violation. We -- we passed a provision in 2019 to decriminalize --

MRS. PEOPLES-STOKES: In 2019 we decrimmed.

MR. WALCZYK: What was that?

MRS. PEOPLES-STOKES: In 2019 we decrimmed ten ounces and under.

MR. WALCZYK: So it's a $50 violation, am I right?

MRS. PEOPLES-STOKES: Yes. You're right.
MR. WALCZYK: And the current penalty for selling more than five pounds of marihuana in the State of New York, that's a -- that's a -- a felony, as I understand it?

MRS. PEOPLES-STOKES: Yes. And I'm going to defer that answer to my colleague Ms. Walker.

(Pause)

MR. WALCZYK: That's all right.

MS. WALKER: Yes, that would be a D felony.

MR. WALCZYK: A D felony. Thank you, Ms. Walker.

On -- on business penalties. The -- the charge for inadequate recordkeeping within the Marihuana Regulation and Taxation Act that's before us, what -- what is that charge for inadequate recordkeeping on a business?

(Pause)

MRS. PEOPLES-STOKES: So, much like with the State Liquor Authority there will be rules and regulations promulgated regarding that from the Office of Cannabis Management's board.

MR. WALCZYK: Okay. I'm -- I'm reading in this legislation a -- a $500 fine for inadequate recordkeeping by a business. But moving on. Possession of untaxed cannabis without a tax certificate. Am I reading this right? Up to $10,000 could be the -- the fine on a particular business. If they accrue that over time, it could be up to $10,000? That's what the --

MRS. PEOPLES-STOKES: Can I ask you which bill
are you looking at? Are you looking at 1248-A?

MR. WALCZYK: Yes, ma'am.

MRS. PEOPLES-STOKES: And what page are you finding that on?

MR. WALCZYK: I'm reading here the possession of illicit cannabis is subject to taxation. So a person who is required to obtain a certificate of registration or possesses (inaudible) cannabis products without a certificate will be subject to a penalty of $500 for each month of illegal possession, and not to exceed $10,000. So if they were not holding a tax certificate for the marihuana that they're selling, they could accrue those fines up to $10,000 over time. Am I reading that right?

MRS. PEOPLES-STOKES: Okay, so yes. These are -- these are as it relates to the Tax and Finance Office. Yes, you do have to file taxes.

MR. WALCZYK: Okay. You know, I've got a few more questions, but one -- one really big picture question here, Madam sponsor. The Department of Tax and Finance is going to be collecting taxes on this thing. Who -- who would enforce the collection of taxes for the State of New York? Do they have agents that are going to do this? It's going to be State Police if businesses are noncompliant? Who -- who do we anticipate would be the enforcement?

MRS. PEOPLES-STOKES: The Tax Department. The Tax Department.
MR. WALCZYK: Okay.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: One -- one quick point because it's come up in -- in debate a couple of times. Today we're -- we're debating the repeal of prohibition, or as it says on the board, the Marihuana Regulation and Taxation Act repealer. Currently there's a -- less than six percent of incarcerated individuals are in for any drug charge. Not many at all are in for a marihuana drug charge. But here's the -- here's the -- the issue as it's presented to me before this Legislature. While people are doing a thing, they want it not to be illegal anymore. There's a lot of New Yorkers that are smoking weed, possessing weed, growing weed. They don't want it to be against the law anymore. This thing is thick. So we're calling this the end of 90 years of prohibition. And it even says repealer up there. But in front of it is really says "Regulation and Taxation," and that's what I want to focus in on. So this is the Marihuana Regulation and Taxation Act. We're creating a Cannabis Control Board. We're creating an Office of Cannabis Management. We're creating a State Cannabis Advisory Board. Is this starting to sound New York enough for you yet? Because I'm only getting started. There is an adult use cultivator license in this legislation. A registered organization adult use cultivator processor, distributor, retail dispensary license, if you can spit that out. A registered organization adult use cultivator processor and distributor license. There's also an adult use processor license.
There's an adult use cooperative license. There's an adult use distributor license. There's an adult use retail dispensary license. Sounding more and more New York every day. There's a micro business license, a delivery license, a nursery license, an adult use on-site consumption license and the list goes on. Three hundred and sixty million dollars is what we're expecting to get from wholesale THC-based tax, coupled with a nine percent retail surcharge rate, a four percent local retail surcharge rate, and a measly $600 fee for every two years that a business wants to be in operation to do this. The individual penalties -- as we know, this is the repeal of prohibition, right? So if you have too much marihuana on your person you're looking at a $125 charge from New York State and possibly a $200 local fine. Seven plants instead of six in your garden out behind your house, there is a $125 charge from New York State and a possible $200 local fine. You have five pounds, you're still going to prison for having five pounds of marihuana. You sell to a friend, $250 fine. You sell a lot to your friend, you're going to prison in the State of New York under this repeal of prohibition. It is not lost on me that on January 17, 2014 Eric Garner was choked to death by overzealous agents of this State who were trying to collect revenue for tobacco products. You're going to need a lot of agents in New York State to collect $360 million in revenue. Let that sink in. But the lessons that we didn't learn from California -- California could have taught -- taught us a lesson. They could have taught us that all of this red tape that we're debating today would create backlog and a black market.
Canada could have taught you that if you oppress with too much taxation, then the product for marihuana on the market will be 80 percent cheaper. And the black market's already built in this State. It's already built in this country. It was already built in Canada. We could learn this lesson if we saw what happened there. So those lessons not learned, at least not by this bill that's presented with us today, here's my prediction: This isn't going to help farms in any real way in New York State. It's not going to meet the revenue projections. It's going to allow the black market to thrive. Funds will not even provide enough for local governments to do the enforcement that they need to do, creating another unfunded mandate. Schools will struggle with compliance, especially when it comes to different products that students are bringing to school. And in 20 years you will see big marihuana get sued by this State's Attorney General for the health effects that they've caused to the population, and you know what we'll do? We'll put in a bill in this Chamber and say we got to use that money that we sued big marihuana for for cessation programs, for -- to educate children about the dangers of use of marihuana. That bill is going to come from the other side of the aisle, I promise, because they can't get enough government. Big marihuana will run roughshod over the businesses in New York State and our economy is not going to improve as a result of this. What do we get? New Yorkers will get high. And based on the budget that's coming in the next couple of days, I guess maybe there's the only benefit.

Thank you, Mr. Speaker. I vote no.
MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker.

On the bill.

MS. GONZÁLEZ-ROJAS: I rise in favor of this bill today and share my sincerest appreciation to the sponsor for this landmark legislation. You know, I told a colleague recently that we have passed some truly historic pieces of legislation just weeks into this Session, and I believe that this bill is momentous. Legalizing recreational adult use marihuana is another example because of the ways in which it repairs the harms of the past. In the last two decades over 800,000 arrests related to marihuana have been made. Eight hundred thousand lives and more have been harmed by the racist war on drugs. Eight hundred thousand individuals has seen their employment taken away from them, their housing denied and their freedom erased as they were confined to the cages of our carceral State. Parents, mothers, caregivers have lost their children because of surveillance of Black and Brown mothers and the child welfare State. Communities have witnessed generations of loved ones, entrepreneurs and resources snatched from them while White communities have utilized marihuana at the same rates, if not more, and have seen far fewer consequences. In 2018, Latinos were arrested at five times the rate of their White counterparts due to marihuana. The arrests were even higher for Black individuals in our State. And I have known many people of color who have lost their livelihoods entirely because
we allow the Prohibition Era mentality to inform our policies. No
more. Some may see this legislation as an avenue to generate
revenue, and while that's certainly a good outcome, I want to be very
clear. We cannot buy back what the war on drugs has stolen from
communities of color, but this is a step towards healing. Forty percent
of the revenue driven to counties will go towards our schools, as it
should, because children don't need cages, they need care. Twenty
percent will go to drug treatment prevention and education. This is
critical because people who use drugs are people first. And if they
want treatment, they deserve to receive it.

I am also encouraged by the inclusion of micro
business loans, incubator programs and low- to zero-interest loans
which will be dedicated to communities of color, to women, to
disabled veterans and to farmers. And while the implementation of
this legislation will take some time to roll out, the legalization
component takes effect immediately, as it should. We cannot wait any
longer, because there is no reason why someone should be denied
housing because of marihuana arrest. No reason why they should fear
having their child removed from their homes or their immigration
status being jeopardized or their access to higher education being
blocked or their employment being at risk. We have allowed
prohibition to prevent New Yorkers from living their lives for far too
long. And while our colleagues on the other side of the aisle would
undoubtedly attempt to use fear under the guise of public safety to
discourage this move today, I must ask, do the safety and lives of

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communities of color not matter as well? Do we not owe it to the most harmed among us the opportunity to restore their lives and to assure that children will not be harmed by racist policies? Do constituents in my district not deserve to walk the streets of Queens and feel safe that they will not be over-policed, as your constituents do in your neighborhoods? But I will use science-based approach to argue some of these points because it is clarity and information that New Yorkers deserve, not fearmongering. Some might argue that driving is impaired when people smoke marihuana, and that this can lead to traffic accidents. However, a 2017 *American Journal of Public Health* article found that, quote, Colorado and Washington, the first two states to legalize, have fatal crash rates similar to comparable states without legal marihuana. In fact, when there were car crashes in states that legalized marihuana, it was found that these crashes were more attributed to texting or talking on the phone while driving.

Finally, this legislation as written will ban advertising and marketing to people under the age of 21 and will ban advertising that promotes overconsumption. It will not allow for advertising in sensitive areas such as playgrounds, childcare centers, public parks, libraries and schools. And I remind our men in this Legislature that as a mother, I am deeply invested in making the State safer and more just than the previous generation left it. This bill helps us do just that. It helps us begin to see people who use drugs as people first and not as others. And while I was taking some time to get here, I want to thank all the advocates who have been involved in this campaign. This
proposal will have great implications for racial justice and great implications for social equity, as it centers communities who have been most harmed. Thank you, Drug Policy Alliance. Thank you, Vocal-NY and so many in the Start SMART New York Campaign. Today is truly a historic day.

So, Mr. Speaker, I'm a proud cosponsor of this legislation and I vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you.

Mr. Burgos.

MR. BURGOS: Can you hear me from this mic, or...

Never mind, we're good.

Before I speak, I want to take a moment to join my colleagues in applauding our Majority Leader, whose passion, commitment, tenacity and zealousness has led to this groundbreaking moment for New York. They say trust Black women, but I'll add, follow Black women. Because when you do, history is made. And that's what today is, it's historic. Not least because we finally legalized a plant that has been used to systematically devastate, debilitate and incarcerate Black and Brown, immigrant communities like my own. But also because we join a community of progressive states that listened to the overwhelming will of their people and worked to create a fair and equitable and safe approach to marihuana justice. The Marijuana Regulation and Taxation Act is transformational and pioneering in its approach to legalization of adult use cannabis. Unlike other states, we, long with advocates,
stakeholders and constituents stubbornly did the work to ensure that while introducing this growing industry to New Yorkers, the communities most impacted, most targeted by the Rockefeller Drug Laws are not left high and dry while the wealthy and connected just get high. Aside from the economic gains of the legal cannabis industry, this legislation provides 40 percent to community reinvestment grants that will fund job placement programs, mental health treatment, community banking, housing, financial literacy training and among other vital economic and social equity initiatives. Fifty percent of licenses will go to applicants from communities that have been most impacted by cannabis prohibition; MWBEs, struggling farmers and disabled veterans. And 100 percent of those convicted of low-level marihuana offenses will have their records automatically expunged. Cleared out. Mr. Speaker, it cannot, it cannot be understated the tectonic impact this will have on generations of Black and Latino families that are still recovering from the derivative prosecutions from a single marihuana arrest, probation and parole violations. Trauma caused by incarceration, the loss of jobs, homes and livelihoods. Now, I've heard marihuana been described as the gateway drug, and frankly, it is. But not to narcotics, but to the systematic over-policing, over-prosecution and over-incarceration of Black and Brown people. And finally with this legislation in our State we can move beyond that cruel history and restore some semblance of equity. That's what we're voting on today.

Equity. Economic and social equity for all New Yorkers. So
regardless of what you call it, marihuana, cannabis, weed, pot, bud, grass, bhang, sour, kush, chronic, ganja, reefer, haze or zaza -- I could go on all day. But regardless of what you call it, after today we'll call it legal.

With that, I'll proudly be voting in the affirmative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, Mr. Speaker. I will.

MS. WALSH: Thank you very much. I wanted to bring you back to some questions that were -- it's hard to remember, but all the way back when we started debating this a few hours ago there were some questions regard policing changes and changes in the Vehicle and Traffic Law. I want to just take you back to that. So my first question is, what is the scientific basis for the December 31, 2022 deadline for the study developing roadside detection tests for cannabis use, if any?

MRS. PEOPLES-STOKES: You want to repeat that?

The -- the....

MS. WALSH: You need me to repeat it, ma'am?
MRS. PEOPLES-STOKES: Please.

MS. WALSH: What is the scientific basis for the December 31, 2022 deadline for the study developing roadside detection tests for cannabis use, if any?

MRS. PEOPLES-STOKES: The scientific basis is that we need this information and we need it with some speed. And so if we can pass this legislation, put the boards together that could put out an RFP, find the right scientists, which I believe we have right here within our State SUNY, CUNY systems, get them started working on a controlled study that we'll be able to identify how much THC is in a person's system in order to make them impaired. At that point then we can begin to put other scientists to work to figure out some sort of equipment that our law enforcement can have with them as they ride the roads.

MS. WALSH: Well, I would --

MRS. PEOPLES-STOKES: So I wish that if the other 14 states and country who've already legalized adult use had done this kind of research, we might already know that. But they haven't. And so somebody has to, because it's important to make sure that we don't start criminalizing people without having facts.

MS. WALSH: It is very, very important. I will agree with you there. Is the intention of the deadline to line up with the timeline for a full roll-out of adult use cannabis sales in the State?

MRS. PEOPLES-STOKES: Actually, not so much because there is a possibility that because we are New York and we
will have, I think, a pretty qualified board of directors and staff to pull together how our regulatory process will look, and we've been able to, as many of my colleagues have said today, see what they've done in other states. See what happened in other countries, particularly in Canada. And so I think that we may be able to expedite our implementation a little earlier.

MS. WALSH: Okay. So, what scientific evidence supports the fact -- or the idea that a test will be able to be devised which correlates driver impairment with a THC blood level at all, let alone by the end of next year?

MRS. PEOPLES-STOKES: Well, I don't know that there is that. But I also don't know that in 1933 when we removed the prohibition from alcohol, I don't know how long it took for us to come out with a breathalyzer. But I do know that we need to put -- get a plan and put it in force. And if we don't have a time frame, then we don't want to be three years later still waiting for some information that we need to have now.

MS. WALSH: Okay. So if the study that is -- is going to be done doesn't succeed in developing the technology as set forth in the law, what is the impact on the rest of the statute? Will the roll out of adult use cannabis be delayed in any manner?

MRS. PEOPLES-STOKES: No, it will not be. And -- and why -- I would assume that the study would not be able to determine that. We already know from existing studies that THC can stay in your system for 30 days. We already know that you could
probably do a -- some sort of saliva swab to tell that. Do a hair
sample to tell that. There are ways that you could tell that it's -- that it
is there. But what we don't know is how much of that will actually
impair you, and that is something that we need to find out.

MS. WALSH: All right. But if -- if by some chance
these studies didn't come up with the results that were necessary, that's
still not going to hold up the -- the full roll-out of the adult use
cannabis sales in the State. And I appreciate your answer on that.
Does the statute --

MRS. PEOPLES-STOKES: By the way, you know
that existing laws do cover driving while impaired by cannabis or
anything else.

MS. WALSH: Right. And we're going to get to that,
I promise. And I'm sorry I'm speaking so quickly, but I -- I have so
many areas that I really want to touch on and not a lot of time. So,
does the statute provide for any continuing studies beyond December
31, 2022 with regard to the search for successful roadside detection
tests in the event that the initial studies fail?

MRS. PEOPLES-STOKES: I don't believe the
statute calls for that, but we've got to get it right. So if -- if it doesn't
happen, then you could look for me to introduce another piece of
legislation to require it.

MS. WALSH: Very good. Okay.

So my next question really has to do with just
legitimate confusion about effective dates. So, I might have heard --
MRS. PEOPLES-STOKES: Confusion around --

MS. WALSH: -- this incorrectly from another colleague, Crystal, but the -- the question I've got is as far as the Penal Law, the new Penal Law Article 222, the differences and the changes that are going to be made to the Vehicle and Traffic Law, are those all being made immediately? What's the effective date on those, on that part of the statute?

MRS. PEOPLES-STOKES: The effective date for possession of three ounces and -- is immediate.

MS. WALSH: Okay. And what about the changes to the -- to the Vehicle and Traffic Law?

MRS. PEOPLES-STOKES: Those are immediate as well.

MS. WALSH: Okay. So one of the -- one of the concerns that -- I mean, in speaking with one of the district attorneys that I know, I know that the District Attorneys Association didn't take a formal position on this legislation, but some of the DAs I've spoken with are concerned because the bill doesn't change the requirement that's under the current DWAI drug statute that requires the impairing substance to be named, given the current and prevalent issues with enforcement. So, in other words, their -- they believe that -- that law enforcement should not be required to prove what kind of drug the defendant is impaired by when the defendant is refusing to submit to a chemical test, and they think that's a big problem with the current legislation. Why does it -- why did that change (inaudible) --
MRS. PEOPLES-STOKES: Actually --

MS. WALSH: -- in the -- in the bill?

MRS. PEOPLES-STOKES: Actually, it's my understanding that an officer can determine that a person is impaired and they could be arrested, without knowing what they were impaired by.

MS. WALSH: Okay.

MRS. PEOPLES-STOKES: Now. And that's not going to change tomorrow once the law is passed.

MS. WALSH: So just -- so an officer makes a stop, side of the road, goes up to the car. I know that odor now is not going to be something that can be considered, but if the driver presents with, you know, glassy eyes and other things that are those -- some things that -- that the law enforcement looks for, they can still make the arrest on impairment even though they can't determine exactly what it is that's making this person impaired?

MRS. PEOPLES-STOKES: They can do that.

MS. WALSH: Okay. Oh, that's good.

MRS. PEOPLES-STOKES: That is existing law and --

MS. WALSH: Thank you for clearing that up.

MRS. PEOPLES-STOKES: -- this legislation doesn't change it.

MS. WALSH: Okay. Very good. I think that we've already given a lot of -- you've already talked a lot about the DREs,
the Drug Recognition Experts and everything. So -- oh, my last question I wanted to ask real quick is, it has to do with employers. So, I've had a number of employers through our local Chambers reach out to me with a lot of concerns about what they're going to be able to do and not do regarding their employees. As one employer said to me, you know, I need to know -- I don't really care what somebody does on Saturday or Sunday, but when they show up on Monday I need to know, can I let that person drive the truck or not. You know, that's just -- very practically, that's what they're concerned about. Can an employer put a policy in place to prohibit cannabis use entirely and issue drug tests accordingly? You know, particularly in industries where impairment can cause serious safety concerns.

MRS. PEOPLES-STOKES: It's going to be very challenging for an employer to tell people what lifestyle they live with a legal product while they're off duty. (Inaudible) or no one else would like them to have access to do that if you had a dirty martini with dinner. So, to say to people that when you're off you can't do this, I think this law is not going to concur with that. But what it does say is that responsible adults who are 21 years or over, if you have a job where you know if you smoked two days ago and you go to work it's still impacting you, then you shouldn't smoke two days before you go to work. Or two hours or even an hour. But employers will have the ability to say, You can't smoke on my work site. You can't smoke in front of my building, and you can't smoke in your car on the way to work and I don't want to smell it on you. Even though it's not
technically legal, but they should be able to say that. And a
responsible adult who is 21 years or over who wants to keep their job
will comply.

MS. WALSH: Okay. Okay. Thank you so much.
Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Ms.
Walsh.

MS. WALSH: So, in my remaining time I -- I would
really like to address an issue that I didn't raise on debate which has to
do with the medical marihuana program that was raised by my
colleague Missy Miller in her questioning. I have a very fierce
advocate in -- that I represent, one of my constituents. His name is
Timothy Mitchell, and he's probably watching this debate right now.
He has educated me and my staff to -- to a great degree about the
medical marihuana program, and there is a great deal of concern
within that community that the legalization of adult use is really going
to leave the people who need medical marihuana, leave them in the
dust. So what I'd like to say is that there are patient protections that I
think are needed when adult use -- when the adult use market begins.
The patient should have priority entry. If they're -- if they're going to
be under the same roof -- if we're going to have adult use distributed
at the same place as medical marihuana, there should be a -- a
separate patient priority entry. Patients shouldn't be subjected to long
lines, especially that you would commonly have during an initial
roll-out of AU operations. Patients should have priority parking,
reasonable space should be dedicated for medical patients, especially -- that's relevant to locations that require shuttle parking or during opening events. Comparable menu selections have got to be available. Adult use menus cannot make available higher quality strains or harvests and keep the medical menu for lower quality goods. There should be no limit to purchases, and that's going to be especially important if the 30-day limit isn't lifted via MMJ expansions. There needs to be a patient supply safety net. They shouldn't be subject to a package minimum. You know, there are 140,000 patients in New York State right now who use medical cannabis, and it's important that as this change is made in this bill that we don't forget about them.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Ms. Jackson.

MS. JACKSON: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. JACKSON: All right. So I've been looking forward to this moment, Mr. Speaker. I jokingly told my colleagues I was going to paint my nails green so that we could celebrate. And here I am wearing green in solidarity with all the Black and Brown people we have incarcerated for this plant that we are now legalizing. Because when you go into our State prisons, green is one of the few colors you can actually wear when inside. We are finally correcting the wrongs this State and this nation has done to communities that I
come from. There is no data to suggest that Black people smoke marihuana any more or less than White people. But we are arrested 3.73 more times than White people for just having the plant in our possession. In 2020, 94 percent of the people arrested on marihuana charges were people of color in New York City. Ninety-four percent. These arrests are racially targeted. And I hope my colleagues understand when I say leading with the idea that adult use of marihuana is a revenue raiser is offensive. It's downright wrong and it's a spit in the face to all the Black bodies that we -- we as nation and as the State have arrested for this plant. We owe our people reparations for what we have historically done. We owe our communities reparations for how it devastated them by this fake war on drugs, which is really a war on Black and Brown poor communities. We need investment in our communities with the same dollars that we collect in taxes from this plant, and this bill sets the groundwork for that to happen. We need to deprogram our State and educate them on the facts of this plant, which -- which this bill sets to do. We need to let people know the medicinal use cannabis has and it's useful for people with epilepsy, chronic pain, cancer, poor appetite and seizures, just to name a few. For years we have been prescribing harmful actual drugs for these ailments. But we politicize the plant. No one uses cigarettes to cure ailments. There's no medical benefit to alcohol. But these are things people use and they are legal. This bill allows us to do further research on the effects of marihuana. I'm fully aware that one bill will not end racism in our police departments and
our criminal justice system, but this is a step in the right direction. I say all this as a person who does not partake in this plant, but I fight for the rights of others. And that's what we are supposed to do as lawmakers. Fight for other people's rights, even if it doesn't directly impact us. Most of the people in the State of New York want us to pass this bill.

So I thank the sponsor of this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Jackson.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, of course, Mr. Speaker. It will be my pleasure.

MR. EPSTEIN: Thank you, Madam Majority Leader. Just one quick question. So someone who's in my district who might be selling weed on the street corner right now in the gray market, what opportunities will that person have to get into the legal market?

MRS. PEOPLES-STOKES: There are ten different licenses that are available. I will find that list for you.

(Pause)
Delivery, dispensary, social consumption, cultivation, processing. I'm trying to bring them all off the top of my head because I can't find my list. There's a lot of papers here. And micro business.

MR. EPSTEIN: So this person will --

MRS. PEOPLES-STOKES: There are opportunities for him.

MR. EPSTEIN: Yes. So it seems like this bill will create opportunities for people in the market to -- who are currently doing something that might not be legal to create avenues for them to get into the legal market. Is that what I hear you saying?

MRS. PEOPLES-STOKES: That -- that's correct.

MR. EPSTEIN: Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. EPSTEIN: So, people smoke marhuana. People probably here smoke marhuana. And let's be clear about that. White people who've been smoking marhuana for decades have no criminal justice consequences. As I said here before, my brother-in-law was a drug addict, was in and out of homeless shelters, in and out of rehab for 20 years. Never went to jail. Never went to jail once. He was using, he was dealing. So we have a criminal justice system which is a racially-biased system. As we've heard, you know, 94 percent of the people who are arrested, you know, are people of color, while Black New Yorkers are only ten percent of
people using, 12 percent are Latino. The studies we've seen saying as high as 25 percent of the people are White. But the reality is that White people, marihuana has been legal for decades. For White people there are no consequences as it exists today. What we're doing is dealing with a racial injustice system. We're changing laws and changing barriers that impact communities of color. We're changing laws to understand that we have a historic discrimination and people of color who been incarcerated for decades for something that White people are allowed to do. We're trying to dismantle the system of oppression and power, and this is one small but vitally important step in that direction. Do not ignore the racial injustice of marihuana today. Think about that as you advocate for what you believe. There are advocates across the City, State and country who believe this is a racial justice issue, and I do as well. Think about the opportunities that people have in my district who are right now in the gray market who will be able to start micro businesses. Who will be able to feed their family from a legal source of income. Who will create opportunities to maybe go to college and advanced degrees because these are smart business people who've been doing it on the street. There are smart business people who have been out there. This changes the conversation. And let's be clear, the conversation has to change. Because in a system that's injust [sic], in a system where we know people smoke marihuana, how do we find justice? We go down this path of legalization and create opportunities for businesses. Now, this doesn't mean people who have drug problems won't have drug
problems. This doesn't mean people will change who they are. But this creates opportunities. It creates opportunities for rehab programs. It creates money for education. It creates opportunities for business development. And I truly believe this will create a legal market that young people will have an opportunity to enter. Young people of color can be business entrepreneurs in a new system which has been historically discriminating against them, put them in jail instead of acknowledging their work as business people and made sure they did not have opportunities in the future. We are saying today that must stop. We are saying today we have a new beginning. And we're saying to the millions of New Yorkers, We see you. We understand the injustice, we understand the discrimination, and now we're going to act.

I want to applaud the sponsor. I want to applaud all the advocates for all their hard work. Organizations like DPA who've been doing this on the ground across the country and here in New York to acknowledge once and for all by legalizing marihuana and creating a market, we're creating some sense of justice for New Yorkers who haven't seen justice for decades.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Epstein.

Mr. Stirpe.

MR. STIRPE: Thank you, Mr. Speaker. You know, I've been listening to my colleagues for several hours now, and some
of them talk about all the potential negative impacts of this legislation. They speak as if all these things are not happening right now and municipalities are not dealing with them already, especially around effects on younger people. I'll tell you. Just go into a school, ask any kid about marihuana in the school. He can tell you what's happening and where to get it. It's not a new thing. I've heard someone talk about marihuana's going to cause outmigration. Well, the only outmigration for marihuana is people driving to dispensaries in Massachusetts.

(Laughter)

I've also heard someone talk about reducing farmland for certain products, you know, that are already being grown. Well, we've been fighting the sale of farmland for development for about 40 years now and it's still happening. You know, at least with the ability to grow a product that can raise enough revenue to keep the rest of the farm going and prevent it from turning into a housing development or industrial park is a good thing. I've also heard someone say this is going to be the absolute downfall of this State. Well, if opioids haven't caused the downfall of this State, marihuana certainly won't. You know, because of our efforts to stop smoking -- and -- and people have talked about that, too -- many people are not going to smoke marihuana. They'll use edibles.

(Laughter)

So I don't think the smoking issue will be as bad as most people think. You know, we're surrounded by states and another
country that legally sell recreational marihuana. We're not preventing anything. We're just making people drive long distances. And I'd like to tell a -- a story I heard that I think can answer the question of why we're doing this and why we're doing it now. You know, back in 2009 Hillary Clinton got selected to be Secretary of State, and there were a number of Congressional representatives who were vying to get appointed as the new Senator. So they were making their listening tours around the State, especially to all the -- the cities in Upstate New York. So this one person came up. We met him for coffee at a coffee shop and, you know, talked about different things. And then, you know, we were going -- we decided to walk over to City Hall from there. So on the way, you know, discussion started about the war on drugs and -- and, you know, how much money we were spending and all those different things. And he said, *You know, I had a really interesting conversation with somebody and it was the biggest surprise to me.* He said, *I was walking to Session one day and I was walking with Tom Osborne.* He's the former great coach from the University of Nebraska and he won three national championships. When he retired he had the highest winning percentage of any coach in history. And he -- he retired from coaching and became a Congressman. So, you know, they're talking about it on the way over and -- and he goes, *Tom, what do you think about this?* And Osborne looked at him and he says, *Well, I don't really know a lot about drugs. You know, I don't know the cause and effect. I don't know what the best practices are to cure it. I don't know any of that stuff.* He said,
But I know a lot about football. He said, In fact, I probably know more than just about anybody in the world about football. And let me tell you, if I was a coach and I ran the same play for 40 years and never gained a yard, I'd try another play. So it doesn't matter if you're progressive or a conservative - and Tom was definitely a conservative - you know, you can recognize the reality in front of you and make decisions based on that.

So, you know, I want to thank the sponsor of this bill. You know, I've had a few bills that have taken many years to pass and I know how good it feels when you finally make it across the finish line. Unfortunately, I'm sure you know, as well as everybody else, that this won't be the end of it and we'll do what we always do with big pieces of legislation like this. We pass it as best we can. We implement things, we try them. If they don't work we fix them. And I'm sure that's what will happen to this bill.

But congratulations, and I think you've done a great job. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Fernandez.

MS. FERNANDEZ: Thank you, Mr. Speaker.

Before I do explain or speak I do want to give great credit to the -- to the sponsor of this bill because it has been long-fought, long debated and we finally came to a point that we are happy with and I am extremely grateful for her leadership. But for years, New Yorkers of color have overwhelmingly shouldered the brunt of race -- of the
racist war on drugs. In this House we passed progressive legislation to
decriminalize cannabis, but still in 2020, 94 percent of all arrests
related to cannabis affected communities of color throughout the five
boroughs, including 109 Bronxites whose lives will forever be
impacted by their interactions with law enforcement. This is a prime
example of how State-sanctioned institutions oppress underprivileged
and over-policed communities who have suffered from the stigma of
conviction and have had their lives ruined because of the criminal
injustice system for too long. Passing the MRTA is a historic
movement and moment that will begin the process of providing
restorative justice to disenfranchised communities and provide New
Yorkers access to a wide range of opportunities as the State recovers
from the economic impacts of the pandemic. Creating a new green
economy that will generate over 30,000 good-paying jobs. States who
have legalized cannabis have shown us that it helps increase public
safety, advances racial justice, creates space for new small businesses,
fosters economic growth, and weakened the illicit drug trade. Tax
revenue from legalizing adult use cannabis in other states has
surpassed expectations. And right now New York tax dollars are
being spent in neighboring states. Our legislation will bring the State
additional resources to help fund public education, community
investment, drug treatment -- treatment services and law enforcement
training. But above all, it will bring justice. Additionally, it will
strengthen our medical cannabis program, increasing patient access to
alternative treatments to underserved communities. It will also create
opportunities for small farmers and provide medical help for veterans who have PTSD and other service-related injuries so no New Yorker is left behind. We have consistently fought for economic, social and criminal justice for all New Yorkers. Our plan for adult use marihuana legalization takes an intelligent, compassionate approach to this issue and further defines New York State as the progressive leader that we are.

I am proud to stand by this landmark piece of legislation that will increase racial equity in the State while providing a COVID recovery pathway for countless New Yorkers. However, there is more work to do to ensure we implement the bill equitably in a way that promotes social and economic justice. I will be sure to be a leader in my community so that we in the Bronx may have -- may take advantage of this bill and everything it has to offer. And for that, I vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you, Ms. Fernandez.

Ms. Kelles.

MS. KELLES: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. KELLES: I want to add my voice and thanks to the sponsor and all of the advocates for the years of tireless work it took to get the Marihuana Regulation and Taxation Act to the floor today. This is a huge and historic win for New Yorkers, but especially
for Black and Brown communities that have been disproportionately harmed by the enforcement of unjust marihuana laws and who have been subjected to mass incarceration resulting from these carceral practices. This bill will begin to undo and repair generations of harm caused by marihuana prohibition with significant and annual investments in education and community reinvigoration for communities that have been systematically harmed by marihuana prohibition and criminalization. We know that prohibition doesn't work. As the iron law of prohibition dictates, as law enforcement becomes law more intense, the potency of prohibit -- prohibited substances increases. We know that the war on drugs did not decrease drug use here in the U.S., but instead, increased the market for illicit drugs that were stronger, more addictive, more dangerous, but portable and easy to move and sell. Similarly, we can see the effects of the iron law prohibition during the prohibition of alcohol. The banning of beer, wine and cider led to the illicit -- illicit production of higher alcohol content spirits and moonshine, which were far easier to transport than the large heavy barrels required to store their weaker counterparts. In 1918 when the 18th Amendment was ratified in New York, there was a booming liquor-smuggling industry operating between our northern border and Canada. Historians of this era have noted that, quote, In the economically-depressed towns and small cities of the border counties, the bootleg trade became the number one employer and an important source of revenue. Rum running was a viable alternative to the cash-poor farm -- farm economy. So why do I
bring this up and why is it relevant? I have heard some call marihuana a gateway drug and claim that we need to be careful because it will lead to the use and abuse of more harmful drugs. Not only does the preponderance of public health research not support this, but our very own history repeatedly shows that it is the strict prohibition laws and a war on drugs themselves that have fostered a proliferation of the harder alcohol and drugs.

I think this bill is decades overdue and one of the greatest causes in the stigma against cannabinoids and the use of them for racial suppression. But the science in no way supports this stigma. Our own bodies produce cannabinoids, the active ingredient in cannabis. I want to read everyone a short entry from the scientific pharmaceutical literature. Quote, The endocannabinoid system of the body is responsible for regulating and balancing many processes in the body, including immune response, most notably, the inflammatory response. Communication between cells. Appetite and metabolism. And memory, to name a few. The endogenous cannabinoid system is perhaps the most important physiologic system involved in establishing and maintaining human health. Endocannabinoid lipid-based neurotransmitters bind to receptors throughout the body in the brain, organs, connective tissue, glands and immune cells. In each tissue, the cannabinoid system performs different tasks. But the goal is always the same: Homeostasis. In fact, almost every physiological process is affected by the endocannabinoid system on some level. This means it can be targeted to treat many diseases. End
quote. We've spent years using chemistry to foster human health and the significant data on the health benefits of cannabis suggests that its stigma has been truly misguided. I bring this up because it justifies a place for its use for medical purposes, and to be added to the list of current legalized products like alcohol for responsible adult recreational use. There should be no distinction in our laws between whether a person chooses a beer to relax on a Friday night or marihuana. One could argue based on the science and the incredible inflammatory impact of our current lifestyle, it would provide equal or superior benefit over such drugs as alcohol. And anyone who argues against the legalization of marihuana while staunchly defending the legalization of other drugs like alcohol are simply amplifying bias and an antiquated stigma.

As for adolescent usage, it is true that the human brain continues to develop until we're between 21 to 25 years old. It's true that prescription drugs like methamphetamines used for conditions like ADHD, cannabis, alcohol, tobacco, coffee and even sugar when regularly and excessively consumed have negative physiologic and cognitive implications on the developing brain. This is explicitly why the bill legalizes recreational marihuana for those over 21 years of age. We know that adolescents are still consuming all of these substances. However, without legalization and regulation, consumption is hidden and extremely difficult to track. Contrary to what opponents have said here today, surveys of (inaudible) in Colorado, Washington and California prior to and after legalization
show no significant change in consumption. Quote, *Among the most pointed concerns with legalization are whether it has caused more young people to use the drug and whether more people are dying in auto crashes caused by impaired drivers. Data show little change in either area.* End quote. In another study published in the Journal of Adolescent Health in 2020, quote, *Results suggest minimal short-term effects of recreational marihuana legalization on adolescent substance use with small declines in marihuana use.* End quote.

Although the data shows that legalization is not linked to increased consumption for adolescents, it is true that adolescents still consume substances like marihuana.

Another reason why I enthusiastically support this bill is the massive amounts of revenue that will be explicitly invested every year in education, including drug prevention education, funding and programs that currently don't exist to address this problem because this funding source does not exist. We know that this bill will generate revenue and be a powerful engine of workforce development. This is the moment to pass MRTA. As we rebuild from the economic devastation of this pandemic, my district, the 125th, is rich with farmers, plant scientists, creative entrepreneurs and skilled and dedicated workers. This bill creates a level playing field so that our local businesses can thrive. This bill will also generate new businesses including nurseries, cultivators, processors, distributors and dispensaries with a focus on small business creation. These businesses need financing, rental space, electricians, plumbers,
marketing, websites and staff. Across our district and the State, we'll create new businesses, new micro businesses and jobs. MRTA will jump start our State's economy with a focus on economic equity. The economic development impact of this bill is very important for this State, but at the core of my enthusiastic support is the long-overdue criminal and racial justice wins that this bill gives us. Statistically, White people, as you've heard today, are consuming just as much cannabis as Black and Brown people, but Black and Brown people are arrested for possession at a disproportionate rate. This is a huge historic win for all of New Yorkers and is a massive step in the direction of equity and repairs generation of systemic racial harm.

I am a proud cosponsor and I want to once again thank the sponsor for her eight years of diligence and dedication and all of those who worked on this including all of the amazing advocates. I support this bill and I urge all of my colleagues to do the same. Thank you.

ACTING SPEAKER J.D. RIVERA: Thank you.

Ms. Zinerman.

MS. ZINERMAN: Mr. Speaker, on the bill.

I want to thank Majority Leader Crystal Peoples-Stokes for her steadfast efforts to right a historic wrong and for carrying on her shoulders the hopes and dreams of families who have endured the devastating impacts of marihuana prohibition that has resulted in the incarceration of women, children and grandparents. For decades, young Black and Brown men and women from
Bedford-Stuyvesant and Crown Heights were pushed to a system and handed long and unjust sentences in Upstate jails. Due to this historic disenfranchisement, many of my neighbors relied on marihuana to market -- the marihuana market to feed their families and to earn a living, as poverty has often driven people who were left out of the system into underground markets. With this bill, we, the New York State Legislature, seeks to correct this historic injustice. As we've come to know more about the cannabis plant and its medicinal properties, marihuana is now viewed in the same way that many of us have viewed it for generations; as medicine. Legalization of marihuana will bring in much-needed revenue as we work ourselves out of this economic crisis created by the coronavirus pandemic. Moreover, communities that were traditionally victimized because of their use of the plant can now explore pathways to entrepreneurship, using their knowledge base and experience in the marihuana market as a skill and a tool instead of a detriment to their own livelihood. The passage of the Marijuana Regulatory and Taxation Act will impact all of these constituencies that I now represent here in the Assembly.

As a proud cosponsor of this bill and member of the Committee on Aging, older adults who suffer from all kinds of debilitating diseases from arthritis to cancer will have greater and unfettered access to the healing properties of cannabis. As a member of the Committee on Agriculture, distressed and urban farmers will have a new crop and a readily-established consumer base to market their yield. As a member of the Committee on Labor, legalization will
also broaden the job market and provide opportunities in new emergent industries in government with the Office of Cannabis Management and in the marihuana industry itself. It will also establish employee protections for the legal use of cannabis in accordance with State law. As a member of the Committee on Disabilities, medical doctors and other licensed professionals can treat people with bipolar disease and autism and other disorders without fear of judgment, backlash or financial threats. As a member of the Committee -- Committee on Tourism, legalization will be just one more reason for travelers to make New York State a destination to visit, enjoy themselves, sample and buy our products. The same as if they were buying maple syrup from a fair, apples from an orchard. Tourists will have the opportunity not only to sample New York cannabis, hemp and CBD oil, but purchase it, bring it home to their -- their countries and communities, which will produce more revenue for our great State.

Finally, I want to speak to you as a parent. Cannabis use -- today we heard a lot of people talk about the protection of our children. Cannabis use is illegal for any child under 21 years of age, and this bill mandates that we conduct education and outreach that speaks to the law. We don't do that now. I haven't seen one billboard in my neighborhood that speaks to the -- the issues that people cite with marihuana. However, there are plenty of signs in my neighborhood selling alcohol and beer. Today many of my colleagues have reiterated the need to protect our children from marihuana use
while ignoring the fact that many of the parents of these same children smoke marihuana to the equivalent of 702,524 large apples. That's how much marihuana is smoked in the State of New York on an annual basis. Passing MRTA is not a gateway to marihuana use for underaged youth. It is how people are socializing in their homes and their neighborhoods that lead to use, and we, as a society, can't legislate behavior. We must do our -- our duty as the Legislature to protect communities the way we can, but we have to rely on individual citizens to legislate their own behavior.

So for the issues of equity, entrepreneurship and expungement, I proudly vote in the affirmative on this bill and for the future of my district and our State of the economic future of our district -- my district and State. Thank you.

ACTING SPEAKER J.D. RIVERA: Thank you.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Would the sponsor yield for a few questions, please?

ACTING SPEAKER J.D. RIVERA: Does the sponsor yield?

MRS. PEOPLES-STOKES: Yes, of course, Mr. Smullen.

MR. SMULLEN: Thank you, Madam Majority Leader. I really appreciate the opportunity for a public conversation here. I think it's -- it's very important that we have this conversation in public so people can know what the debate was, not only for the
history books and I'm -- I'm pretty sure this bill is going to pass this evening but for the future when we -- when we look to perhaps make some amendments as we refine our system for legalizing marihuana here in New York State.

So, I just -- I just kind of want to go back to the beginning and ask in a different way not the why, why this bill, but how is it good for New Yorkers to smoke marihuana?

MRS. PEOPLES-STOKES: Sir, I don't think you ever heard me say that it's good for New Yorkers to smoke marihuana. In fact, what you did hear me say is that I know that New Yorkers do smoke marihuana.

MR. SMULLEN: Sure.

MRS. PEOPLES-STOKES: In very, very large numbers. And I would not encourage anyone to do that, but they already are. And I know from looking at what other states have done, if we are able to legalize and regulate a clean product for people to have access to, that the numbers of people who actually use it starts to decrease.

MR. SMULLEN: Sure. So what -- I -- I did read the bill and it says, you know, one of the justifications for it is that it's a public benefit, you know, that we legalize marihuana.

MRS. PEOPLES-STOKES: It is a public benefit.

MR. SMULLEN: I just -- I just can't -- I can't make the connection how smoking can be a public benefit. Because I know maybe -- maybe you would agree or disagree but, you know, is
smoking good for a person's health overall?

MRS. PEOPLES-STOKES: Well, we probably would disagree because you're looking at the public benefit from the aspect of people smoking marihuana. I'm looking at the public benefit so that the State of New York can begin to save some of the money it's investing in people's lives because it's literally destroyed them by incarcerating them for small amounts of marihuana.

MR. SMULLEN: Sure. I -- I certainly would agree there. I'm -- I'm also worried about smoking as a -- as a long-term societal cost, including smoking cigarettes. It's -- it's very debilitating. I've had lots of family and friends who've been -- you know, their lives gravely shortened by -- by smoking cigarettes, as well as many who are, you know, actually debilitated by long-term marihuana usage as well. I -- I come from a, you know, a pretty -- pretty rough area in Upstate New York sort of thing. So I -- I just -- I'm -- I'm looking at all the campaigns we've had. You know, the Surgeon General says that smoking isn't good for you. So you'd probably also agree, then, that vaping is not good for the public benefit in general.

MRS. PEOPLES-STOKES: Well, I -- I would say that people vape. In fact, there are vaping shops in the district that I represent in the great City of Buffalo. And I see people going in them all the time. It's not illegal.

MR. SMULLEN: Absolutely not. You know, we -- we're not here to -- to legislate morality, never have been. You know, people are people. We can -- we can certainly agree on that. But one
of the concerns one of my colleagues brought up that had to do with insurance -- insurances paying for, you know, the long-term health detriments of smoking cigarettes, marihuana, you know, alcohol, drugs, whatever the case is. So, how many New Yorkers today are actually enrolled in our publicly-funded Medicaid program in general overall?

MRS. PEOPLES-STOKES: I -- I don't have that number in front of me, but I could tell you that Federally-operated Medicaid will not provide insurance for whatever that number is because it's funded by the Federal government.

MR. SMULLEN: Well, certainly. But it's all our tax dollars, whether it's -- you know -- we -- we -- we -- we claim in New York that we send more money to Washington D.C. than we get back, so, therefore, it's our money. It's New Yorkers' money.

MRS. PEOPLES-STOKES: It is our money.

MR. SMULLEN: As is our, you know, taxpayers at the State that pay for our State and county portions of Medicaid, which is a huge issue in my -- in my counties that -- that I represent, that Medicaid is a great deal of the actual county tax bill. And one of the concerns that's been brought to me is that by allowing, actually encouraging people to smoke more marihuana, that actually Medicaid costs are going to go up in New York State because of the -- the requirements for medical treatment for some of the -- I'm not a doctor, I was a Marine. You know, I didn't -- I don't -- not a lawyer either. But, you know, it just makes sense that it's going to cost more. And
who -- who actually is going to end up paying for that?

MRS. PEOPLES-STOKES: Well, sir, I actually don't agree with whoever made that assessment that it's going to cost more because people will get sicker. I don't think people necessarily get sick from using marihuana. And by the way, most people who use it now don't necessarily smoke it.

MR. SMULLEN: Sure. So the people that actually are -- and we do have people in New York that have -- have they've overused drugs and they're in substance abuse programs that are funded by the State. What percentage of the people in -- in New York's substance abuse programs do you know are -- roughly are covered by our Medicaid dollars? How much do we spend each year on Medicaid for our substance abuse programs?

MRS. PEOPLES-STOKES: I don't have those numbers in front of me, but I know that we are prepared to spend more because there's a huge concern that because -- if we want to make this a legal product that more people would use it and we'd like to spend more to prevent them from doing that.

MR. SMULLEN: Yeah, we'd -- we'd like no people to, you know, to -- to smoke if we could. But we know that's not the case. Do you know that New York is the highest per capita state in the -- in the nation for Medicaid spending per beneficiary?

MRS. PEOPLES-STOKES: Yes, I have heard that. I used to be a county legislator.

MR. SMULLEN: It's $4,591 (inaudible). So do you
think if -- if you could make a prediction now, will the number of Medicaid recipients that are using marihuana likely increase because of this bill or will they decrease? Or will it just come out of the --

MRS. PEOPLES-STOKES: I'm -- I'm not going to make a -- a call on that because, quite honestly, if we look at the -- the amount of money that's being spent on marihuana right now in the State of New York, probably most of those spending it are not even eligible for Medicaid.

MR. SMULLEN: Sure. Well, I've got one -- one more question on the actual mechanics of the bill itself. It's 222.15. It's personal cultivation and home possession. I was -- I was somewhat -- my -- I was astounded when I read that someone could possess -- an adult could posses five pounds of marihuana in or on their residence after this bill is passed. Is that true?

MRS. PEOPLES-STOKES: Yes, these are actually plants.

MR. SMULLEN: Not -- not so much plants. It says that they're able to lawfully possess up to five pounds of cannabis in or on the grounds of their private residence. So they could have up to five pounds of product?

MRS. PEOPLES-STOKES: Yes, sir. These are actually plants. Three of them would be seedlings and three of them would be adult plants.

MR. SMULLEN: And where did that five pound amount come from? It's -- it's an astounding amount.
MRS. PEOPLES-STOKES: The size of -- the size of the adult plant.

MR. SMULLEN: The size of the adult plant. So, who -- what it came up was is I looked it up and I said, how many -- you know, how many cigarettes would that be? So, a -- a pack of cigarettes has about, hmm, 20 cigarettes for a half-ounce of unrolled tobacco. So five pounds would allow somebody to have up to 3,200 cigarettes worth of marihuana in their house. Is that -- is that your reading of the --

MRS. PEOPLES-STOKES: Well, it's a bit of a reach, sir. But if you would remove the flower from the plant and it collect -- you've got six of them -- three of them in your house that are making flowers, you remove, they'll make some more. So you can have up to that amount, yes.


Well, a couple -- a couple of last questions before I go on the bill here. We haven't talked about at all about workplace safety, I don't think, and what implications this is going to have on the Scaffold Law where employers are wholly liable for their employees. And specifically, someone who could be -- by -- you know, by their workplace contract be told that you cannot smoke marihuana, but they can do it anyway and they could cause an accident for which the employer could be held liable. Is that going to be changed?

MRS. PEOPLES-STOKES: The Scaffold Law requires that all contracts and property owners in the construction
industry to provide adequate protection, equipment and safety measures for their employees in order to prevent elevated related injuries. This includes falls, et cetera, et cetera. The law -- this law holds those employees strict liability for workforce injuries under the law as they are deemed to have ultimate responsibility for workplace safety under the current law. This bill does not change the standards under the Scaffold Law, because employers still would be authorized to take action against employees if they are impaired with cannabis or anything else while working.

MR. SMULLEN: So they could be removed and -- and fired from the job site for using cannabis or being under the influence of cannabis against their employer's restrictions on impairment.

MRS. PEOPLES-STOKES: I'm not so sure that the employer would want to fire them. They might want to send them home, just as they would if they were walking around drinking an open can of beer on a construction site.

MR. SMULLEN: Sure. But do they -- do they actually incur any liability for their actions that would cause an injury or something on a job site?

MRS. PEOPLES-STOKES: This bill does not change the standards under the Scaffold Law because employers would still be authorized to take action against employees if they are impaired by cannabis or anything else on a job site.

MR. SMULLEN: Yeah. Thank -- thank you so
much for -- for making that clear. I really appreciate the time --

MRS. PEOPLES-STOKES: You're so welcome, sir.

My pleasure.

MR. SMULLEN: I -- I really do.

Mr. Speaker, on the bill.

ACTING SPEAKER J.D. RIVERA: On the bill.

MR. SMULLEN: I'm -- I'm really truly worried about what I think are the hidden costs of this bill. My colleagues have pointed out the social costs, the health costs, the human costs, and I ask that the State consider its obligations to its most vulnerable citizens, particularly those who are on the Medicaid insurance program that provides for them. I think that this -- this bill is going to end up costing us much more than it supposedly benefits for sure. I think rising Medicaid costs are -- are almost inevitable in this case because of the way our -- our system is set up.

So, for -- for those reasons and for some of the ones that have been mentioned by my colleagues, I'm against this bill. And I do note that I -- I have a medical marihuana facility in my district. It -- it employs people in my district and I -- and I recognize the economic benefits of that program. I did note the decriminalization last year. I think this is really -- it goes a bit too far, particularly in the -- the five pound provision. And for those and many other reasons, I'll be voting against this bill.

Thank you very much, Mr. Speaker.

ACTING SPEAKER J.D. RIVERA: Thank you.
Mr. DiPietro.

MR. DIPIETRO: Would the sponsor yield?

ACTING SPEAKER J.D. RIVERA: Do you yield, Mrs. Peoples-Stokes?

MRS. PEOPLES-STOKES: Yes, sir. Of course I do, Mr. Speaker.

ACTING SPEAKER J.D. RIVERA: The sponsor yields.

MR. DIPIETRO: Thank you. This is still a controlled substance at the Federal level, correct?

MRS. PEOPLES-STOKES: Yes.

MR. DIPIETRO: Okay. At the State level will there be -- there are some, let's say, negative consequences for certain areas. Is it still going to be a controlled substance in any respect in New York State legally?

MRS. PEOPLES-STOKES: No, with exception for Federal requirements. If you have a Federal job you still have to comply with those rules.

MR. DIPIETRO: Right. So any firearms owner, while pot would be legal in New York State, actually cannot buy it under fear of losing all their firearms, correct?

MRS. PEOPLES-STOKES: No, not at all. I mean, much like you would not be in jeopardy of losing access to your permit by going to get a fifth of vodka.

MR. DIPIETRO: No, that's -- no, that's the State law.
But not in Federal. Federal, that's a controlled substance.

MRS. PEOPLES-STOKES: Yeah, well -- well, I'm not going to run for State and Federal government right now, so I just want to pass this in the State of New York.

MR. DIPIETRO: Okay.

On the bill, please.

MRS. PEOPLES-STOKES: Absolutely.

ACTING SPEAKER J.D. RIVERA: On the bill.

MR. DIPIETRO: We're finding out now that this is another sideways effort to control gun use in New York State. Obviously, I brought this up last year and I did ask the Majority for a statement on -- on the Federal issue versus the State issue. I did not receive a reply. And I want to tell everyone, number one, that the State has not put any money into even notifying firearms owners that they have the possibility of losing tens of thousand of dollars of firearms by making one purchase of pot in New York State. When you give your license and you go in to buy at one of these sub -- one of these stores, that will become a record. And the Federal government has the ability to check that record and see that you bought a controlled substance and you will be arrest -- could be arrested and taken all your firearms away. This is a back-door effort to control the firearms and to go after gun owners, legal gun owners. It's a -- you know, only New York do we talk about smoking pot as an economic revival. This is -- this is absurd. When I hear people talk about -- about pot as this big economic driver, it's ridiculous. You
know, only in New York. Casinos, that's -- oh, that's what we're going to do casinos because that's -- that's going to help out the business people and the people trying to make a living. Legalizing prostitution, legalizing dope. Letting criminals run free so they can commit more murders which has happened dozens of times since bail reform. I can go on and on. It's ridiculous.

I'm making a call out to all gun owners in New York State. This bill should have put a lot of money into just maybe a postcard or a notification to gun owners, everyone who has -- who has got a gun, or every -- even all New Yorkers to let them know that if you buy pot you can lose all your firearms and become a criminal. This is why I have a bill for the last two years and I'm going to reiterate it every chance I get: We need to split New York State into three regions. This bill exactly exemplifies it because there are different areas of New York City or Long Island, Upstate New York they don't agree on.

And I'll leave you with this: Not only is -- it's -- it's time to turn back -- as a religious man I think it's just time to turn back to moral values and God and Jesus Christ. I'll leave you with Romans Chapter 1, verse 2. And this epitomizes what I think of this bill. *Professing themselves to be wise, they became fools.* And that's what I think we're doing to New York State. Not only is this horrible legislation, again, it's a horribly written bill. There's no way I could support this. This is -- the bill is just totally horribly written and I would encourage a no vote on this. Thank you, Mr. Speaker.
ACTING SPEAKER AUBRY: Thank you.

Mr. Pichardo.

MR. PICHARDO: How do I follow that?

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Mr. Pichardo.

Short would be a great way to follow.

MR. PICHARDO: Absolutely, sir. I will be as brief as possible. Again, I want to thank the prime sponsor of this legislation, Majority Leader Peoples-Stokes, as well as my colleagues who have fiercely debate -- debated and defended the merits of this piece of legislation. I want to be incredibly and crystal clear on the words that are coming out of my mouth, what we are trying to correct. And the original sin of marihuana prohibition in this country has nothing to do with quality of life. It has nothing to do with kids. It has nothing to do with public safety. It has to do with everything on racism. Period, full stop. And I will quote you two gentlemen who were instrumental in the prohibition and the continuation on the war on drugs against marihuana and particularly on communities of color that I have the honor of representing. My neighbors who have suffered because of this war or drugs. Let me quote you two gentlemen. First of all, Harry Anslinger, who is the former head of the Federal Bureau of Narcotics which is to -- known today as the DEA and generally and overall terrible human being. And he said in 1930, There are over 100 -- 100,000 total marihuana smokers in the
U.S. and most of them are Negroes, Hispanics, Filipinos and entertainers. There is satanic music, the jazz, the swing, that result from marihuana use. The marihuana causes White women to seek sexual relations with Negroes, entertainers, and any others.

Also, another gem from back in the 70's regarding the Controlled Substances Act of 1970. John Ehrlicman, who was a senior advisor to President Nixon who also suffered from substance abuse problems and hallucinations in his own right, was later quoted saying, quote, We knew we couldn’t make it illegal or to be either against the war or Blacks. This is talking about the war in Vietnam.

But by getting the public to associate the hippies with marihuana and Blacks with heroin, the criminalizing of both heavily, we could disrupt those communities, we can arrests their leaders, we can raid their homes, we can break up their meetings, we can vilify them night after night after night on the evening news. Did we know we were lying about drugs? Of course we did.

And as an aside, Mr. Speaker and my colleagues, Ray Shafer, who was the former Governor of Pennsylvania, was commissioned by then-President Nixon to do a study on the harmful effects of marihuana. The Shafer Commission found that marihuana and its -- and the over-criminalization was unnecessary and moved to the decriminalization aspect and the Nixon Administration simply ignored their own report and passed the Controlled Substances Act of 1970.

So, ladies and gentlemen, with all the debate that
we've been having today regarding this passage of legislation which has been cultivated by advocates on the ground, colleagues here, the Majority Leader who has carried this bill for many years, again, let me be incredibly and crystal clear. This isn't about kids. This isn't about public safety. This is about perpetuating a system of racism that has existed in this country for close to 100 years. The reason why marihuana is illegal is because of its association with specific communities, particularly communities like mine, people who look like me when (inaudible) in this (inaudible).

So let me clear again, Mr. Speaker and my colleagues, I am proud to support this legislation. I am proud that my colleagues, particularly Black women who are leading the charge in the -- in the removal of this prohibition that has destroyed communities because of overly and violent racist over-policing in certain communities because of these drugs and because of this mentality, I will be voting in the affirmative and I encourage my colleagues who may disagree with me on this issue, look in these issues. Study these issues. Understand where the origins of these prohibitions have existed that have destroyed my communities. And I encourage and support and proudly vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.
MR. MCDONALD: First and foremost, I want to thank our Majority Leader for her efforts on this legislation. Her efforts to ensure that this bill was comprehensive and addressed the concerns that were raised by many, are the reasons why this bill, in all probability, will be passed today. I personally have spoken to her on several issues over the years on this bill, including local government rights, excise taxes, workplace issues, impaired driving, et cetera. Her responsiveness to the issues is sincerely appreciated.

Personally, I am not a fan of smoking, nor am I fan of marihuana. As one who grew up in the '70's and the '80's, I am familiar with the impact marihuana had on some individuals, and marihuana has not been an item that has been a part of my life. I have avoided it. Yet, there is a reality upon us that we cannot ignore. State by state, adult use marihuana is being approved for public use for a variety of reasons. One that impacts my community speaks to the war on drugs, which ravaged communities of color, and there's a long way to go to repair those harms. But this bill is a step in a positive direction, and rights the wrongs from decades ago. Additionally, there is greater awareness of the benefit of adult use marihuana in helping individuals through difficult health situations. This bill expands our medical marihuana options, which I believe is a positive, as more therapeutic information is coming to bear to demonstrate the beneficial impact for those struggling with chronic health conditions. From a street view, I firmly believe that standardization of adult use marihuana will help deter the street drug market which is unregulated.
void of quality control and, quite honestly in my opinion, a threat to public health. As I hear more stories of individuals buying marihuana laced with fentanyl, I fear the potential for greater overdoses is real. We need to change the conversation and recognize that in the long-term, a regulated and standardized adult use marihuana market may help erase the images of the street drug market that are embedded in our minds, especially those who grew up in the '70's and '80's.

This bill presents a critical opportunity for our agriculture community. Many in the farming community have struggled through the years, and this legislation presents a great opportunity for improving the sustainability of our farms and our farmers; something that I respect even though the district that I represent is void of farms. This bill respects the rights of local governments. If a town, a city or village wants to participate or does not want to participate, they have the choice. That, along with the ability to regulate the time, place and manner, I believe, is more than fair.

For this reason and many others, I am supporting this bill, and once again thank the Majority Leader for her dedicated work. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. McDonald.

Mr. Anderson -- Mr. Gottfried.

MR. GOTTFRIED: Okay, Mr. Speaker. This bill is a long, long time coming. Fifty years ago in my first term in the
Assembly, I was a cosponsor of then-Assemblyman Franz Leichter's bill to legalize, regulate and tax marihuana like alcohol. A -- remarkably similar to the bill we're passing tonight. In 1977 I was delighted to be the author of the marihuana decriminalization bill that enacted Article 221 of the Penal Law. I suppose I might be sad that tonight we are repealing what I've always thought was one of my better legislative achievements, except we are repealing it to do something a whole lot better. And in 2014, I was thrilled to be the author of Title V(a) in the Public Health Law that created the medical marihuana program. It was nowhere near as good as it should have been because Governor Cuomo had a pretty restricted concept about the program, but we got that enacted. Darn good law. Helped a lot of people. We are repealing it tonight, but we're repealing it to enact something a whole lot better. And with respect to the medical program, which is my particular interest here, this legislation includes a long list of improvements in the medical program that I've been advocating for ever since the medical program became law:

Expanding the -- opening up the number of conditions, the conditions that medical marihuana can be used for. Allowing any practitioner who can prescribe controlled substances to be able to write a certification for medical marihuana, making it easier for medical marihuana patients to get help in -- in either producing or -- or having administered their medical marihuana, including if they are in a nursing home or in adult home or -- or in a hospital. There's a long, long list of improvements in the -- in the medical marihuana program
that will strengthen it, that will help it to grow -- and that's not meant to be a pun. Of course we can't discuss marihuana without there being two or three puns in every speech. And to me, that's -- that's a -- a very important part of this legislation. Of course the most important part of this legislation is getting law enforcement out of the business of penalizing people for buying, selling, producing a substance that is -- that ought to be no more controlled than alcohol or tobacco and is, in fact, a lot more benign than either of them. This legislation will enormously improve the lives of thousands, tens of thousands of New Yorkers whose lives are -- are interfered with and -- and in many cases ruined annually by our current criminal prohibition system. It's long overdue to get rid of it, and with the expungement provisions in this bill to try to undue some of the previous damage that's been done.

This is such a wonderful bill and such a terrific evening in the history of New York, and I will be delighted to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ANDERSON: Thank you. I want to thank the sponsor of this legislation and the advocates and activists who have worked tirelessly and worked so long to ensure that communities of color that have been impacted negatively on this war on drugs could be made whole and we could begin that process.
Growing up in Southeast Queens, I witnessed firsthand the realities, the casualties of the war on drugs. The popular narrative was that drugs were bad and they fried your brain, and drugs -- new drug users are low life and morally bankrupt and just say no. Drugs like marihuana have been demonized and criminalized. The criminalization of the drug allowed for law enforcement to hide behind social contempt and tough-on-crime laws. I consistently feared for my life because of the color of my skin, and the legal target that was placed on me was a constant reminder of this war on drugs. In White communities when they're stopped by the police for marihuana, the police give it back. In our communities we have the potentiality of losing our lives. And the historic implications of marihuana prohibition paint a clear picture, Mr. Speaker. A clear picture that the criminalization here in the United States and the State of New York has been used for a tool of racial and social control. For decades marihuana has been used as ammunition against Black folks and Brown communities in this war on drugs. Racial profiling, stop and frisk, all under the guise, Mr. Speaker, of community safety. It made our lives a living hell. And of course to this very day we're constantly remedying the effects of accumulated years of PTSD of this war on drugs. We'll never be able to restore the decades of harm and pain inflicted upon Black and Brown communities. We'll never be able to repair the damage done to families torn apart by over-policing, targeted stops and frivolous arrests. We'll never be able to remedy the generations of basic freedoms, safety, economic opportunity denied,
Mr. Speaker, to people of color affected by the war on drugs. But today is a historic step in the right direction to begin to address and undue those critical harms. But an interesting fact for my colleagues from the other -- other side of the aisle who oppose this bill who are riding high and mighty as it relates to the morality of this bill, I want to name and share with them some of their counterparts who served in government who are now high-paid lobbyists for big Mary Jane. Dana Rohrabacher from California. Carlos Curbelo from Florida. Former Speaker of the House John Boehner. Don Young from Alaska. Earl Blumenauer from Oregon. Jared Polis from Colorado. David Joyce from Ohio. And someone who used to sit in this Body, Steve Katz from Yorktown. And you guessed it. Only White men. Guess folks are afraid of a Black Majority Leader who is the bill sponsor. A Black Speaker, a Black Senate Majority Leader creating legislation to undo decades of harm. I guess it's too much Black power for people who are used to doing well in a system that has oppressed so many for so long. But a question for you about this war on drugs. Who are our veterans of this war on drugs? Where are the soldiers whose wounds of war still have not been healed or made whole? Mr. Speaker, those soldiers are young people, specifically Black, Brown and poor men. It's our future leaders who were -- whose lives were cut short by this criminalization, among other individuals whose criminalization has harmed -- been harmed by this war on drugs. We're also disenfranchising our public defenders that are tasked with supporting equity in the justice system. All right. We haven't thought about that
angle of how this war or drugs has impacted communities. I have the
pleasure of being in a community where a local attorney in my
district, Mr. Tafari, a recreational -- a recreational marihuana advocate
and attorney (inaudible) defendants. Both his father and stepfather
were arrested and incarcerated under these unjust marihuana laws.
We talked about the fact that when our young people become
victims in the war on drugs, they lose many things. Among them is
the ability to trust. They lost trust, Mr. Speaker, in the judicial system,
or what many people call the criminal injustice system. They're
forced to live their lives outside of the system. They lose trust in you,
they lose trust in me, and they rightfully see this process as
hypocritical. They know that they're -- they're prosecutors that smoke,
they know that there's -- there's court officers that smoke. They know
that their whiter, wealthier counterparts are smoking, but their lives,
Mr. Speaker, are the ones that are (inaudible). But a tree remembers,
Mr. Speaker, what the axe forgets. Our youth remembers. Our
community remembers. And most importantly, we will never forget.
And we know that narrative is a very, very powerful thing, and in a
war there are casualties. Again, our low-income communities have
suffered tremendously under this war on drugs, and MRTA seeks to
work to actively address those wrongs by creating a new type of PPE,
pathways to pot equity; workforce development grants and direct
community investment that has been ripped and torn from our
communities. This is our opportunity to right those wrongs. And
these are the minimum action steps that the State of New York can

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take to immediately and truly begin to heal the wound made by the war on Black and Brown people so that New York State can truly be a beacon of hope and a true example of equity and justice across our State and across our nation.

So, Mr. Speaker, I thank the Majority Leader and the sponsor of this bill, and I graciously thank the advocates and activists who got us to this day, and I plan to vote in the affirmative on this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Gallahan.

MR. GALLAHAN: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, I will, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields,

Mr. Gallahan.

MR. GALLAHAN: Thank you.

MRS. PEOPLES-STOKES: You're welcome, sir.

MR. GALLAHAN: Would you agree that the legislation of marihuana farms could give cover to the black market farms?

MRS. PEOPLES-STOKES: No.

MR. GALLAHAN: Well, black market in -- in California, they -- they've had their legislation for almost three years
now, and the black market is still a booming business in that state. Illegal sellers outnumber legal and regulated businesses almost 3 to 1 according to a startling analysis of California cannabis sellers that was released this month. And some critics blame the website Weedmaps for letting thousands of rogue stores advertise. I don't know if you've ever heard of Weedmaps or not, but --

MRS. PEOPLES-STOKES: I do, and actually, I don't agree with your assessment at all.

MR. GALLAHAN: Well, a startling analysis --

MRS. PEOPLES-STOKES: I guess we'll have to agree to disagree.

MR. GALLAHAN: -- was completed by the Association of Legal Marihuana Businesses in the State punctuates a thorough year of an industry that launched with great promise in 2018, but soon faced heavy challenges including lockout of legitimate sellers in most of the State's cities and enforcement challenges and high retail taxes. The critics say those hurdles have only emboldened in expanding black market. The United Cannabis Business Association, it's a statewide group of legal marihuana businesses found that about 2,835 illicit sellers, including storefronts and delivery services, are operating statewide. That's more than three times as many as the legal operating businesses of 873. And the group unveiled numbers earlier this month in an open letter to Governor Gavin Newsom and State marihuana czar Lori Ajax, the State of California grows about 14 million pounds of marihuana annually, with

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only 20 percent of it being legally sold and the remainder shipped or sold illegally to other states. My question is, is there any language in this bill that produces revenue for legal law enforcement specifically to target the black market?

MRS. PEOPLES-STOKES: No, sir.

MR. GALLAHAN: Well, many -- many illegal growers, they depend on public land, national forests, within travel and -- and -- travel boundaries. And these trespassers -- these trespass growers, they use invaluable water supplies and apply overwhelming amounts of chemical pesticides to crops. Therefore, it certainly comes at a greater cost than one might imagine. I just -- I don't understand why we wouldn't be attacking the black market.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GALLAHAN: The black market has been increasing in all states that marihuana is legal. More specifically, the farming and cultivation of illicit cannabis has drastically increased in states like Washington, California and Colorado. Accordingly, the Attorney General, Cynthia Coffman in Colorado State, she states that, *The legalization of marihuana has simply given illicit farmers and dealers easy cover.*

Because of the increased black market's projected (inaudible) and increase -- and unfunded -- I'm sorry, undefined vehicle traffic laws that -- that I'm very troubled with, I -- I just won't be -- be able to vote in favor of this. I will be voting in the negative
on this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Gallagher.

MS. GALLAGHER: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MS. GALLAGHER: I am proud to stand today in support of legalizing marihuana. In fact, just as my district was filled with popular drinking halls in the 1920 -- in the 1920's and alcohol was illegal, it is almost as if marihuana has not been illegal in the more gentrified portions of my district for the last 20 years. Marihuana use is no big deal in these places because in general, if you are White you have no fear of arrests regarding marihuana. This is also true when I grew up in a White affluent suburb as well. In high school it was widely known that many of our best White athletes smoked weed regularly, and they weren't -- weren't falling down into a spiral of diminishing opportunities; rather, they were lifted up and were celebrated members of my community who did not go to jail, but rather, got laudable education opportunities and successful careers. It's not the weed that harms communities, it's our uneven enforcement of unfair laws. The enforcement of marihuana prohibition has been highly selected since they began. According to a new analysis by the Legal Aid Society, White people have been shown to use marihuana at equal rates of other racial groups but accounted for less than five of citywide arrests. Most historians view alcohol prohibition as an enormous failure. There is no doubt that marihuana prohibition will
be viewed as an even larger one. People have always used marihuana, and they always will. The true question is will we continue to selectively ruin some people's lives because of it? Because of our sponsor's fantastic bill, we will not only have the opportunity to relax, we will have the opportunity to build an equitable industry that allows everyone to participate in it and thrive in it. This is why our sponsor's bill is so important. It helps to shift the scales towards fair use across all racial backgrounds, and it locks an opportunity to have been harmed the most and to right the wrongs that we have been doing to our peers of color.

No matter what happens today, people will still consume cannabis. Personally, I have seen marihuana help people wean themselves off of deadly opioids, recover more comfortably from cancer and manage chronic disease. I look forward to the day when everyone can equally enjoy the benefits of marihuana in all of its forms, and I invite my colleagues who are in doubt to join me at a consumption site when they final open.

I look forward to voting in the affirmative for this bill, and I would like to thank the sponsor for her -- her bravery and her absolute drive in getting this passed. Thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Ms. Mitaynes.

MS. MITAYNES: On the bill, please?

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. MITAYNES: Today we take on the legalization
of responsible adult recreational marihuana use. It is a step in the right direction to address the inequality and seek restorative justice. Black and Brown communities have been disproportionately affected by drug laws, breaking up families and destroying futures. It has taken the sponsor of this bill eight years to bring it to a vote, ensuring New York makes responsible and comprehensive plans that help protect public safety, all while learning from states that have legalized marihuana before us. Those concerned with the health impacts, I want to say, _Don't panic, it's organic._

I will be voting in the affirmative and I yield the rest of my time.

(Pause)

MS. FAHY: I mean, I'm speaking, so...

ACTING SPEAKER AUBRY: Ms. Fahy.

MS. FAHY: Yes, thank you, Mr. Speaker. If the sponsor will yield, I have a couple of brief questions.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, I will, Mr. Speaker.

MS. FAHY: Thank you, Majority Leader. A couple of quick questions. The consumption sites, I know you've answered a few questions on those tonight, and I saw in the language -- I was a little bit confused in the way it's written up in the -- in the bill. Are localities, if they choose not to have a consumption site, do they have to -- are they required to opt out by December 31st on those as well?
Is that how --

MRS. PEOPLES-STOKES: Yes, yes.

MS. FAHY: Okay. So they have to make that decision.

MRS. PEOPLES-STOKES: Yes.

MS. FAHY: But they -- if they choose to opt out now, could they then at some point come back in as well, should they decide to --

MRS. PEOPLES-STOKES: Yes.

MS. FAHY: And then with -- with bars and restaurants there is -- you know, after decades of really trying to change (inaudible) on drinking and driving, bars are now also -- they can be held liable if they -- if they allow a patron to over -- overdrinking and -- and walk out inebriated and not able to drive, they can ultimately be held somewhat liable. Would that be the same for consumption sites as well? Would there be a liability there?

MRS. PEOPLES-STOKES: There is not one attached to this legislation, but I do believe that --

(Pause)

Um, excuse me one second.

MS. FAHY: Sure. Of course.

MRS. PEOPLES-STOKES: So, according to the legislation you're not supposed to serve someone who you can see that is physically impaired. I don't think that the legislation speaks directly to whether or not you would be liable if they left your establishment
and you didn't serve them, or if they stayed and you did serve them. So I think that's something we'd have to look into further.

MS. FAHY: Okay. All right. I -- I appreciate that. That's helpful. It is -- it is one of the areas that, you know, has given me the most pause, and that is the impairment. It's taken decades and decades of -- of really changing the culture on drinking and driving and -- and I think we've done a better job. We, of course, know people who abuse the system, but it's the same here. We -- we want, as you said earlier this evening, you're not encouraging this, you -- you want to make sure all handle this and -- and use responsibility if that's the choice.

MRS. PEOPLES-STOKES: Yes.

MS. FAHY: On -- on consumption sites that is something I think that we would want to look at because, by all means, we want to keep the (inaudible).

Thank you -- thank you to the sponsor. Was there something else?

MRS. PEOPLES-STOKES: So, I just wanted to add one thing. For alcohol, it's not written in statute but it is case law that you can be held liable.

MS. FAHY: Okay. So that -- all right. That may be something that I'd like to work with you on. I know you said you'll be looking at a lot of things in the future on this.

On the bill, Mr. Speaker.

Thank you.
MRS. PEOPLES-STOKES: You're welcome.

MS. FAHY: On the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. FAHY: Thank you. I -- tonight I am going to rise in support and I want to commend the sponsor for her many years of work on this -- on this bill. A couple of years ago I might not have been in support, but I -- I do think there's a couple of things that have really begun to modify my position. And first and foremost has been, twice -- at two major times, first -- not long after I was elected I thought we decriminalized the marihuana possession and then two years ago when we did not pass the overall bill we went a long way toward decriminalizing. In the end it really didn't really go far enough. And I do think the war on drugs has been a failure. We have so many historic wrongs to correct. That and the fact that the geography has changed here. We have two states that have now -- two border states that have now legalized. For those two primary reasons, the fact that we have not corrected the historic wrongs, especially in communities of color, I have not done enough. The disparities have certainly continued. And the fact that our neighboring states have now adopted it, I -- I think are two of the primary reasons why I am supporting this bill. But there are other pieces that I -- I really do appreciate and I need to commend the sponsor on. And one of those is the real effort to do it differently here in New York. In other states we have seen major corporate -- corporatization with big, big business going in to invest in marihuana, whereas here, we are
going to have strict rules on investment and with a very strong emphasis on entrepreneurial -- entrepreneurial incentives, and really in our communities of color to try again to correct these -- these wrongs. And we have talked a lot this year in particular about helping to revitalize small business and I think that this, I would hope, will -- will go a ways toward doing that and preventing a big business takeover, if you will. So I think that that is one of the positive pieces. That said, I still want to make sure that we are addressing to the fullest extent possible the education pieces. And I know the -- the sponsor is committed to that, to making sure that there is a strong education component so that, as she said, that we're not encouraging use here, and that we are -- especially our youth, that we are educating them. One piece, though, that goes back to the impairment issue that I continue to have concern about -- and it's not just on driving, it is also on workplace impairment. We are going to again need that serious education. And I do think and I hope that the board set up, the MRTA Board, will really look at THC levels. I think that there is something to be said for the -- the psychotic piece of this and some of the negative consequences of the very high THC levels that have grown over the decades and I think that's a very important piece.

And another piece that I want to make sure that is protected in the long run is the medical marihuana. I don't think we ever went far enough in growing the medical marihuana industry in this State, and it has proven beneficial, particularly those with epilepsy, cancer, glaucoma. So we have seen some very positive
medicinal uses and I want to make sure that we continue to protect the medical marihuana industry that we do have as we continue to grow others.

I also would look forward to making sure that we do right by our climate globe -- the climate goals that we passed a couple of years ago. I have a couple of energy and recycling bills that I look forward to working with others on to make sure that we do not suffer the brownouts that we have seen in -- in Oregon and other states because there is a very intensive energy and water usage when -- when we are seeing this grown indoors. So that is something I think is also going to take additional work.

But with that, again, I do think that this will help with growing entrepreneurial businesses, with correcting some of the historic wrongs, particularly in -- where the war on drugs has absolutely failed and damaged countless numbers of lives. And so I think that we will make some progress overall. I commend the sponsor for her years of work, and I commend the Speaker. And with that, Mr. Speaker, I expect to be supporting this legislation. Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MONTESANO: You know, as I've been listening to the debate most of this day, I have very mixed feelings
about what's being said. And it seems to me that, you know, there's a complete conversation going on about how this war on drugs has had an effect, you know, on different communities. And so if we find that there's disproportionate enforcement in certain communities where -- composed of Black and Brown people, then maybe we should also change the laws for crack, heroin, hallucinogens, dangerous drugs, fentanyl. Because that's going to continue to go on. So you -- you're changing this marihuana statute so people could grow their own at home, they can buy different types of it, they can buy concentrated types of it. But you're not fixing anything. People are going to be addicted to all types of drugs and law enforcement is going to continue to arrest them and prosecute them. And you're deluding yourselves if you think that this is going to fix the problem. And now we're going to have workplace problems because Federal law still comes into play. The operation of vehicles. People in law enforcement, if they use it their -- their jobs are at risk. People that have any kind of Civil Service position, their jobs are at risk. As was pointed out by one of my colleagues before from Upstate, anybody who has a license to possess a firearm goes to buy marihuana, well do you consider it to be legal now in this State when this bill passes? It's not under the Federal law. It is still a prohibited controlled substance under the Federal statute. And like happened in many other states, even with the medical marihuana, are the banks going to take the money of these retailers who sell marihuana? Are they going to take their money on deposit? So there's many things that are going on that
are unforeseen. There's going to be a lot of unforeseen circumstances take place. You know, these -- the bill is very well -- you know, I see you drafted a lot of contingencies were covered, but it's still wide open. Because there's still things you're not going to be able to control or control in these communities that have, as you say, disproportionate enforcement by the police. The -- the -- it's the -- the medical professionals are opposed to this. The people that run rehabilitation centers are opposed to this. They call it a gateway drug. And do you think for one minute the more experienced marihuana users are going to buy this good pure stuff from a retailer? They're still going to go to the black market to go get the ones laced with fentanyl or have other kinds of hallucinogens put into them, because that's what they've become used to. So, you're making your communities become dependent on the sale of a controlled substance to sustain themselves, thinking that they're getting even for the past ills that have visited them.

And I just want to say this last one thing, and I really had to think about this because I don't want it to come out the wrong way. But I've got to say what's on my mind because I've been -- this is my 11th year in the Legislature, and never have I seen a year like this where most of our bills that are being debated or discussed have this component of -- of -- racism attached to it. Us -- that's the opposition -- being, you know, spoken to as if we are racist, that we're responsible for the ills of all the communities that are represented by many of you in New York City. And -- and most of you have been in
control of those districts for years, so whatever deficits are in those districts you may have to look to yourselves for. And now there's new people in our House that have taken out many of the senior representatives of the Legislature, and it's going to be your opportunity to see what you could do in your districts. But to turn around and blame these ills on everybody else, you know, I find these comments that are being made all the time when you're debating these bills upon us to be racist. And -- and that's the way I feel about it. I think you guys are being racist when you speak to us in the manner you speak to us about an opposition.

So I cannot support this piece of legislation because I believe it does nothing for the communities that you're talking about. There's nothing for the communities at-large, and I'll be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker, for allowing me this opportunity to explain my vote. I would like to begin with a quote -- actually, it's a scripture that the Majority Leader read to me when we were doing Raise the Age here in this Chamber. And it's from Isaiah. It's, Woe unto them that decree unrighteousness decrees, and that write grievousness which they have prescribed. It's important for us to turn aside the needy from judgment, and to take away the right of the poor of my people, that widows may be their prey and that they may rob the fatherless. And when she read this to
me it allowed me to understand that people may have written bad judgment into law. People may have codified the laws of slavery not just here in American history, but of course throughout the course of history during our time. But it is incumbent upon each and every one of us, the righteous, to right the wrongs that have been done to so many individuals. And it is my honor, it is my privilege, it is my duty, it is my ministry to stand alongside our Majority Leader, Crystal Peoples-Stokes in this huge, huge endeavor. Liberation may take many forms for many different people. But I know that there were laws that were put on the books in order to perpetuate the slavery that we all know too well that so many of our ancestors were brought here to this country to endure. But today is another opportunity to say no more. I stood on this very floor in support of criminal justice reform with respect to bail, and I watched fear-mongering undo all of the advances that we've done. But today, we've learned lessons from the past and will not allow the premature fear-mongering of our colleagues to undo this amazing piece of legislation that we are all embarking on. This issue, marihuana legalization, regulation, taxation is a racial justice issue. I was notified today by the District Attorney for Kings County that over 15,000 people who were arrested to marihuana arrests in the past and over 95 percent of those individuals were Black and Brown people. And so people may lie, but numbers usually don't. This has been a 90-year prohibition and criminalization of marihuana, but the effects of it all has been about the over-policing and the over-criminalization in some communities over others. And
one of the proudest moments that I find in this bill is the total repeal of Penal Law 221. There's so many different occasions with respect to stop and frisk in the 250,000 young people who I know had to go through and be ushered through the criminal justice system based on that unfair piece of legislation. But today it is being wiped from the books. Today is a moment of reckoning for so many individuals. We didn't get an opportunity to talk much about the expungement and the sealing of records, which I would like to acknowledge all of the hard work of the staff and of our Majority Leader in this regard. In 2019 we did a decriminalization providing for the expungement and sealing of additional marihuana-related convictions for individuals convicted of criminal possession of marihuana under CP -- under PL 221.15, 20 and 35. It also includes 221.40, the criminal possession of a controlled substance in the 7th, and the sole substance involved was concentrated cannabis and criminal possession of a controlled substance in the 5th with the sole substance involved was a concentrated cannabis. Under the Marihuana Regulation and Taxation Act, the Office of Court Administration would be required to work promptly in order to expunge all of those records in their possession. It would even be required to expunge those records no later than two years from the effective date of this particular bill. So again, when it -- with respect to expungement, those records are gone. They're out of here. Finito. So all of the barriers to education, all of the barriers to the labor opportunities, all of the barriers to housing, et cetera. The list goes on. And it also perpetuated the negative effects
on poverty in our community. Today is an opportunity for us to have a day of reckoning. The Office of Court Administration has claimed that although they will work expeditiously to undertake this task, it will take an extended period to accomplish the expungement process, particularly for those concentrated cannabis offenses. In most cases, although a person may have been convicted of possession of concentrated cannabis, the conviction only shows that for certain pieces of legislation. But there are many other controlled substances like far more severe substances like cocaine and heroin contained in those sections. Therefore, it will take more time, more operation time for OCA to ascertain which convictions truly relate to solely concentrated cannabis. But we will be watching to make sure that this is done as expeditiously as possible and that OCA should be provided the resources by which in order to complete that. The Marihuana Regulation and Taxation Act would provide for an automatic vacatur when a person is serving a sentence for a marihuana-related conviction under 221, which we are getting rid of today. Whether by trial or by verdict or even a guilty plea, if his or her conduct would not have been a crime had PL Article 222 been in effect at the time instead of 221. So therefore, all of those post-convictions, guilty pleas, trials, under those particular -- that particular piece of legislation, again, is no longer today allowed to be held over that person's head. The judge will be required to automatically vacate, dismiss and expunge those convictions through OCA, and if OCA has to contact the Department of Criminal Justice Services, the
Department of Corrections and any appropriate local correctional facility that would be required to immediately effectuate appropriate relief.

So again, you are all being put on notice that our Majority Leader today passed a bill that provided for the liberation of all of these individuals and the Court was -- it will be required to order vacatur unless there can be some clear and convincing evidence that a particular person did not meet any of these particular requirements. So I am proud and I am willing to commit whatever it is that I can to -- on behalf of all the people who may be listening to the sound of our voices today that today, again, is your day of reckoning. Today is the day where you take your lives back. Today is the day where you get access to so many opportunities. But we are leaving a particular group of people behind, and we need our Federal representatives to step up. There are over 400,000 people living in public housing right now, and I represent 29 NYCHA developments. And because there was just a public prohibition on smoking in those apartments, arguably, we have to provide the same liberation for those individuals that we just provided for so many countless others. And so while it may have taken 401 years to get to this point, these particular advances will take an eternity for us to protect. While we may be resting now on the advances of our successes, we cannot get comfortable because the road is still ahead of us.

So again, congratulations to our Majority Leader, to all of the members, to all of the advocates and to everyone who helped
to get us to this point. Speaker Heastie, you are doing an amazing, amazing job. I -- I am just so honored and thrilled to be a part of your work here in this Chamber, which has been historic and herstoric. I proudly vote in the affirmative and I encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Cahill.

MR. CAHILL: Thank you, Mr. Speaker. What we are doing today is something that liberals and leftists and conservatives and libertarians and some people who don't even need a label, want us to do. They want a government that is compassionate, but guided by common sense. This bill does that by making something that a majority of Americans acknowledge that we ought to be doing or that they were doing, whether or not we made it legal. We're finally addressing the undeniable - and it is undeniable - racial bias in enforcement of our criminal law that this prohibition made even worse. We want a government that uses our precious resources carefully. For decades we distracted law enforcement. We wasted prison cells and clogged our courts for no good end and a lot that was pretty bad. We also more recently watched literally thousands of New Yorkers get in their cars and drive elsewhere to form long lines in dispensaries in -- in states nearby. We want to work smart. We want to have a chance to make science work that is funded research. Actual studies of impacts. Not surmised, not moralizing. What we are doing here today is providing an opportunity for science to work. And this isn't a money grab. Some would have had it that way over the last
several years that we've been debating this, but our leaders said no. The revenues here are being carefully raised and just as carefully pursed out. This isn't the dominance of one generation over another. Every age group supports legalization, and the vast majority support it and say their own primary use would be for something other than recreation. A vast majority, 84 percent. And this is not a bill whose time has come, it's a bill that's long overdue. And I stand here today and applaud our prime sponsor and Majority Leader. It's not so much that we should proud for just legalizing marihuana, but we should be particularly proud of how we are doing it. Carefully, with purpose, thoughtfully and balanced. It wasn't rushed. It was deliberated. I agree with those who said it took too long. It is, however, my colleagues, an example of how we can do things right.

So I stand today, Mr. Speaker, to say thank you to Mrs. Peoples-Stokes. To say thank you to Senator Elizabeth Krueger. Thank you both for your stewardship and your tenacity. Thank you for the sponsors from all across the State, and thank you for the advocates and opponents who filled our files with facts, opinions, rebuttals and surrebuttals. And thank you to our Speaker, Carl Heastie, for insisting that the process and final product are both something we can be proud of. And now I also thank you, all of our colleagues today for this careful and respectful debate, and soon it will be time to vote. And however each of us vote, we should all be proud of the path that got us here.

I will be voting in the affirmative. Thank you,
Crystal, and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Cahill.

Mr. Friend.

MR. FRIEND: I have to apologize, my Internet connection is unstable so I'm going to leave my video off.

ACTING SPEAKER AUBRY: It's all right, Mr. Friend. Please proceed.

MR. FRIEND: Okay. Would the sponsor yield? I have a question regarding the new Section 222.15.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Mr. Friend.

MR. FRIEND: Yes.

MRS. PEOPLES-STOKES: It would be my pleasure to yield, but I believe my colleague, Member Walker, just spoke specifically to that piece so if you could refer your attention to her, please. Thank you, sir.

MR. FRIEND: That would be fine, thank you.

ACTING SPEAKER AUBRY: Ms. Walker, will you yield?

MS. WALKER: Yes, Mr. Speaker, gladly.

ACTING SPEAKER AUBRY: Proceed, sir.

MR. FRIEND: Thank you. Thank you. So in Section 1 of that new 222.15, we're referring to individuals being able
to possess three mature and three individual plants as a person, and then in Section 2, you can have six mature plants and six immature plants at a private residence; I'm assuming that's with more than one person at that residence is what I'm gathering. But my question comes to Section 5 that talks about being able to possess five pounds, that a person is able to possess five pounds at a private residence. Now given the first two Sections that allow differences in the number of plants, are we allowing five pounds per person at a private residence, or just five pounds at a private residence, because I'm a little confused with both of those terminologies being used in that same section.

MS. WALKER: It's five pounds per person.

MR. FRIEND: Per person. So if you had three people, you could have 15 pounds at the residence.


MR. FRIEND: Okay. Over 21, correct. All right.

And then it also, in Section 5, it goes on that it needs to be in a -- that they have to make sure that the -- that it's in a secured place. Is there a definition for secured place or is that going to be determined by the Board at a later time?

MS. WALKER: The Office of Cannabis Management will be allowed to come up with regulations with respect to what is considered secure.

MR. FRIEND: Okay. I appreciate that, those answered my questions. Thank you, Latrice, and thank you, Majority Leader, and thank you, Mr. Speaker.
MS. WALKER: Mr. Friend, may I also add that with respect to the five pounds of cannabis at a residence, it is with respect to the flower and other components of the actual plant, and may not necessarily including the entire -- entire plant. And so I just wanted to make note of that so just because you show up and you decide to just weigh an entire plant, it doesn't mean that it will be qualified in the five pound classification just by virtue of your existence, but it includes certain pertinent portions of the cannabis plant.

MR. FRIEND: All right. So to clarify, you could have five pounds of just the flower, then, is that what you're getting at?

MS. WALKER: Well, that is a part of what -- what I'm getting at. What I just want to explain is that there are certain portions of the -- of the cannabis plant, which include maybe the stalk and other things that may not necessarily be what would be a consumable portion of the plant, which will not be included in that five pound classification.

MR. FRIEND: Okay. I appreciate that clarification. I guess maybe that would be great if the Board would also make a greater clarification of what they're going to consider as part of the five pound weight just, again, make it simpler for everybody to know what they're -- where they need to be, I guess.

MS. WALKER: Thank you.

MR. FRIEND: Yeah. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.
Mr. Carroll.

MR. CARROLL: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Mr. Carroll.

MR. CARROLL: Thank you. First, I would like to thank the sponsor and all the advocates of this legislation to make sure that we could be here today. It's been a long time coming. We know that marihuana laws have disparately impacted communities of color for far too long. We know that prohibitions on things like marihuana don't work. So today, we bring them out of the shadows and we make sure that our laws and our society are just a little bit more fair and just.

Millions of New Yorkers are using marihuana recreationally today, but those most affected are Black and Brown New Yorkers who too often are criminalized in the war on drugs. That's a lost war, a war we should never have fought. Today we rebalance those scales to make sure we don't make the same mistakes yet again. Further, we make sure that as we legalize this folks throughout New York can take part in a new economy that will raise up communities and not just allow the wealthiest among us to -- to benefit from this legalization, where in other states that has happened.

So again, I want to thank the sponsor, I want to thank the advocates. Prohibitions don't work. This is a smart piece of public policy that will make our State safer, fairer, and wealthier. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr.
Mr. Meeks.

MR. MEEKS: All right, thank you, Mr. Speaker. I want to say thank you to the sponsor of this legislation, and thank you to all the advocates. And while this -- while -- while -- while the revolution will not be televised and I want to say thank you to Madam Majority Leader for this revolutionary legislate -- legislation. And to all of those who beg to question certain things happening during certain times and how things didn't happen before in history, I just want to say look at the strength, look across the room. There's a level of diversity that we see here that may not have existed in history. And with that comes different skill sets, different cultures, different experiences, and we bring those experiences to the table and we mentioned there were some Bible Scripture quoted earlier, and one that's dear to my heart is Matthew 25.40: And the King will reply, Whatever you've done unto the least of these brothers and sisters, you've done unto me. So in doing this work, I'm one not so quick to say, Well, how will this affect me? But I ask the question, How does this affect the masses? And that's something that I urge many of you to consider as well.

So I am grateful to be part of this diverse Body and I look forward to legislation to come in the future as it relates to needed change across the State of New York. So I am proud to say that I vote in the affirmative and I thank you all for your continued work. Thank you, Mr. Speaker.
ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker, on the bill. First, I want to commend the sponsor who has been dogged and consistent in advancing this legislation to this day. It has been a very -- it's been a very long time coming. And this bill is comprehensive, it's reasonable and it's responsible in every way, and I really want to congratulate her. New Yorkers should be proud both of the sponsor and of the bill that we're going to pass this evening. I had the opportunity a few years ago to visit a medical marihuana grow site with the Majority Leader and learn so much about the medical marihuana industry and what an adult use marihuana industry could be if New York enacted the MRTA, a bill that I have been pleased to cosponsor since I arrived at the Assembly. And I listened to the debate today, including many questions that have been asked over the years and answered by the experience of other states and by science, and the questions reflected what I believe to be many sincerely held beliefs and fears and worries, but also many assumptions, false assumptions underlying the war on drugs, a war which we now know to have been racist in its origins and a war that we cannot and have not won and because of its origins should not win because it's not been a war on drugs, it's been a war on people, particularly Black and Brown people.

Now folks like marihuana just like they like alcohol, but alcohol is far more harmful and we, in fact, regulate that and sell...
that and tax that. And the legislative findings and intent are clear. New York's existing marihuana laws have been beneficial -- somebody just texted me -- have been beneficial to the general welfare. Wait a minute, let me repeat that. They have not been beneficial to the general welfare; in fact, our policies have been broken and unjust and are horribly outdated. Instead, they had led to the overuse of law enforcement and too often to discriminatory police practices that have perpetuated systemic racism and discrimination, which has led to the mass incarceration of nonviolent offenders. The nearly 800,000 people arrested for marihuana offenses over the last two decades are widely disproportionately Black and Brown New Yorkers, sweeping them into a criminal justice system while White New Yorkers who use marihuana at the same rates as people of color have generally avoided any criminal consequences, let alone all the collateral consequences that are associated with such arrests.

All the Marihuana Regulation and Tax Act does is create, regulate, and tax a legal market. So what does that mean for people? What will it actually do and why should we pass it? It will end the racially disparate impacts of the over enforcement of existing marihuana laws in communities of color, which alone is reason enough to pass this bill. It will generate significant revenue for the State. It will funnel substantial resources to the very communities most impacted by the devastation that cannabis criminalization has wrought, and begin to rectify the collateral consequences to people in communities, in housing, employment, higher education, professional
licensing, access to student financial aid and immigration to name a few. And it will provide for expanded sealing and expungement of criminal records of those who have been most directly harmed by the criminalization of marihuana, lowering barriers to their employment, housing, and other opportunities.

Now just like alcohol, people under 21 will be prohibited from its purchase or use. That young people might experiment with marihuana or alcohol is not a reason to ban it from adult use or to criminalize it. This bill will also take the wind out of the sails of the current illegal drug market so that it will keep otherwise law-abiding people from being forced to participate in the illicit market in order to use marihuana. It will create a whole new industry and permit and encourage access to the industry by the people in communities most adversely impacted by our current laws. It's a job creator and a green job creator at that. It'll be good for farming and the environment and the edible industry, which I'm convinced will be the primary use of marihuana. And don't we all want to encourage the entrepreneurship? Don't we all want to encourage the intelligence and creativity that goes along with creating a new market, new product development and a new industry.

Finally, it will expand the categories of those who will have access to medical marihuana, which has proven itself to be beneficial, relieving the suffering of many, and now will relieve the suffering of many more. So I feel honored to be a member of this Body and I feel honored to have the opportunity to correct this historic
wrong. I will be voting a resounding yes and I encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine.

MR. LAVINE: Mr. Speaker, I hope you can hear me.

ACTING SPEAKER AUBRY: We can hear you, sir.

MR. LAVINE: Thank you, Mr. Speaker. I want to thank the Majority Leader for sponsoring this bill and for her dedication to truth and for her dignity and civility in which she answered each and every one of the questions that was posed to her, and for her passion, and her passion is for justice.

So Majority Leader and some of the other members, you and I saw what happened to our communities as a result of the so-called war on drugs. We saw the devastation, and that devastation continues to this day. I as a young public defender saw one of my heros, Judge Louis Wallach, who had been a member of the Assembly at one point, sentence the first three people to life in jail, 25 to life, under the drug laws, the Rockefeller Drug Laws. He left the bench in tears, not because it was his assignment to do something unpleasant, but because he knew he was opening the floodgates to the torrents of injustice and devastation that would follow from that -- from that law. Rigid sentencing contributed as well to the devastation in many of our communities, many families were ruined. And many of us said, *Well, so those are Black communities, how does that affect us?* And then others of us said, *So those are immigrant communities, how does that affect us?* The fact of the matter is we are all Americans and we are
all in this together. All that time during all those years, we dropped our guard and we allowed for the proliferation of firearms to the level of a -- pandemic level that we face today.

I want to also thank my colleague, Latrice Walker, for referring to the Book of Isaiah. Isaiah, one of the great -- along with Amos, one of the great profits of justice. Dr. King's favorites were Isaiah and Amos. And I want to thank the Speaker for his dedication to due process and justice. And to my colleague who quoted from Romans, let me say this - and I'm channeling my best Jefferson to do this - let me say this, thank God that in New York we have a separation of church and state. Today is a day for restorative justice and that's the process in which we are engaging. I'm also proud to be a member of the very same Assembly that Judge Wallach once served in, and I will be very proud to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Rosenthal.

MS. ROSENTHAL: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. ROSENTHAL: Thank you. Many of my colleagues have spoken before me about the failed war on drugs, the failed war that sentenced people to life in jail, in prison, for having a small amount of marihuana for their own personal use that laid waste to families and communities because of the -- the war on people who
used marihuana and other drugs, not the war on drugs. But like this
failed war on drugs, the disparate enforcement of laws that
criminalized marihuana possession have had a disparate impact on
Black and Brown communities. Despite similar usage of marihuana
among all races, more Black people were arrested on marihuana
possession charges in Manhattan alone than White people arrested for
marihuana possession in all five boroughs of the City of New York
combined. I'd call that racism.

A New York Times report revealed that between 2015
and 2018 in New York City, Black people were arrested 15 times
more frequently than White people on low-level marihuana charges.
I'd call that racism. And it's not because White people don't smoke
weed, because they do, they just are not stopped or arrested when they
are. The racially motivated enforcement of marihuana laws has
devastated generations of Black and Brown New Yorkers whose lives
were destroyed as a result. After much negotiation, many years of
advocacy and discussion, this legislation will not only end the cycles
of incarceration, but it will also reinvest in the communities that have
been hardest hit by the racism enforcement of these laws.

Today by voting to legalize adult use of marihuana,
we're voting to reverse an inequity that is deeply baked into the daily
operations of law enforcement. Families have been shattered,
communities have been pillaged, lives have been lost. We're already
decades overdue in ending the cycles of incarceration and defining the
meaning of justice. And we have learned from other states that have
gone before us and have implemented the appropriate guardrails to protect public safety and young people. Legalizing adult use marihuana will create jobs and stimulate economic growth, generate revenue that can be used and will be used to fund education, health care, social services, and will expunge the records of those who were previously convicted for low-level marihuana possession. We will also make marihuana more accessible to those who struggle with debilitating health conditions, opioid use, other health conditions that marihuana can help a person in tolerating.

I'd like to thank the Majority Leader, Assemblymember Peoples-Stokes, for her leadership, for her perseverance and her fortitude on this issue over many years. I'd like to thank the Speaker for moving this legislation forward at the right time, and I'd also like to thank the countless advocates who have been working tirelessly for decades to see this moment, including NORML, all the people at Drug Policy Alliance and VOCAL-NY and more who would be cheering in -- on the balcony if they were here, but I know they're at home and they deserve a lot of gratitude, as well. Thank you.

ACTING SPEAKER AUBRY: Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. SEAWRIGHT: Thank you. I rise from my seat in "Zoom City" to join with so many of my colleagues this evening
who are casting their votes in the affirmative. I do so for three reasons: First, this legislation recognizes that at the current time, there is an illicit and unregulated marihuana market prevalent in our State for decades. Criminal elements are the marketers and they have a monopoly on demand. This legislation will create legal competition and bring the market out of the shadows into the sunlight. Second, the marihuana industry will create business opportunities with special provisions for communities that have been ravaged for decades by unjust criminalization laws. Young Black and Brown women and men have been deeply wounded by the scars of marihuana use arrest. We owe it to several generations of poor people to pass this legislation to regulate marihuana usage, not punish users. And third, we will be generating revenue for the people, not for the present day criminals. The revenues from the taxes derived from regulated sales will grow in the years ahead to help support the services our people want.

So this is a win-win for New York. It will require great care, oversight, and the recognition that if we open our eyes and turn on the lights, we can protect individual freedom while increasing job growth and tax revenues. I thank our great Majority Leader Crystal Peoples-Stokes, my Senator Liz Krueger, our Speaker, and so many cosponsors and advocates that have pushed for this legislation, and I'm proud to cast my vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Abinanti.
MR. ABINANTI: Thank you, Mr. Speaker. This is a well-thought-out, comprehensive, long overdue repeal of prohibition on the adult use of cannabis. It creates a system of legalization, regulation, and taxation. This bill will ensure that those who want to use cannabis, our adult neighbors, the consumers, will no longer have to buy marihuana from a friend or a supplier who gets it from who knows where, or they will no longer have to drive to one of our neighboring states to be sure that they are getting a safe product. They'll be able to spend their money in a legal, local business, promoting our local economy rather than financing the illegal trade. They can be confident they're getting a legal product with a standardized quality, quantity, and safe contents.

And, Mr. Speaker, this bill will reduce the unjust discriminatory application of our laws which have long targeted and so damaged our minority communities. This bill will dramatically enhance our existing nascent medical marihuana industry which promises to provide help to so many who want to avoid the use of pharmaceutical products that have dangerous side effects. And in a short time, this bill will generate the money necessary to operate the system, train our law enforcement, and educate our young people on the proper use and the safe use of adult use cannabis. I will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Abinanti.

Ms. Clark.

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MS. CLARK: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Clark.

MS. CLARK: So I cannot do justice to some of the amazing speeches made by my colleagues here today, and so much has already been covered. I will be brief. Today's debate has moved me to laughter and to tears, but mostly has reaffirmed my faith as to why this legislation is so critical right now. I'm in awe of the sponsor, our Majority Leader, for her tireless perseverance and grateful for her leadership.

I want to add my voice as a mom. I have three children, two of whom are teenagers. I live in fear every day of the vices and the choices they are faced with. But to be clear, the illegal nature of marihuana has never been the barrier to access for them, and legalization will give us a better opportunity to educate our children about the effects of marihuana and enforce age restrictions in a legal market. When we bring this into the light, conversations are much easier to have. So I do not feel scared, instead proud. My children get to watch their mom right a wrong, bring some long overdue justice to an unjust system, and I'm honored to cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker.

On the bill, please.

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ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: There's no one in this Chamber on either side of the aisle that supports unequal enforcement of any law and, indeed, unequal enforcement is a Constitutional violation of the Equal Protection Clause. It is unacceptable under any scenario. But the normal remedy of unequal enforcement is to focus on making enforcement equitable, not simply eliminating the law, which is what this bill purports to do.

The beginning of this bill sets forth the purposes of the bill, and without doubt, they are noble purposes. Included among those purposes set forth at the beginning of the bill is the desire to reduce the illegal drug market, certainly a purpose all of us support. The question is does this bill accomplish that objective. So what's it do to reduce the illegal market? Well, first of all, it imposes a high tax rate, 13 percent, off the top, plus substantial filing fees, plus the tax on marihuana THC content on legal sales guaranteeing the legal sales will be more expensive than illegal sales. What else does it do? Well, it authorizes delivery services, that's great, because now you can't tell the difference between the legal delivery and an illegal delivery, but you have it as a defense. What else does it do? Well, it reduces all the criminal sanctions that apply to illegal sales. Now you might say if we're providing a legal method, shouldn't we keep tight prohibitions against the illegal sales? But no, we reduce all the criminal sanctions on illegal sales.

Now those who engage in illegal sales, they can take
comfort in the fact they can have five pounds of marihuana in their house, legally. It makes it a lot easier to sleep at night knowing you can have a small bushel basket or more, the numbers range from anywhere from three to 6,000 joints apparently, I'm not that familiar with these numbers. And we provide special criminal exception to those who are three years older than the youth that we hope to protect. For those, they have a special criminal defense. So if you want to engage in illegal sales, just make sure that the person who is selling in the high school is no more than three years older than the person who is buying it and they get an exception from any criminal sanction.

Every other state that has legalized recreational marihuana has seen the black market explode. It's uncontroverted. And why has it exploded? Well, it's simple economics, isn't it? If you're in the black market, you don't pay the sales tax, 13 percent. You don't pay the THC tax. You don't pay the annual filing fees. You don't pay any of those expenses. If you're in the black market, you don't pay income taxes. You don't pay any taxes. If you're in the black market, you don't have to waste money on marketing, let the legal guys do that. You don't need to waste money on testing for purity, so you can sell your product for a lot less and this legislation makes it a lot easier by reducing all the criminal sanctions for the black market to thrive.

So if a black market is going to thrive with this legislation, as it has in every other state, we're not any exception, then what impact does that have on other areas of concern? Well, one of
the other purposes of this bill was to prevent access to youth. But what do we do to actually prevent access to youth? Are we increasing the penalties if you sell to youth? The answer is no. We reduce the penalties if you sell to youth. Do we make it stricter, prohibit stricter requirements on selling to youth? No. We say as long as you're within three years of the youth that you're selling to, you get an exemption from criminal prosecution. Do we say that those who are an employee in a criminal -- I'm sorry, an employee in a delivery service, they have to be above age 18, that's great, but we don't make them above the age of 23 which means that the delivery service can sell, the delivery person can sell and have a criminal exemption. Do we protect the youth by limiting the potency? No, not at all. It can be as strong as you want. And if we catch a youth selling, what do we do in this bill? Oh yeah, that's right, we expand the youthful offender provisions so that if you want to engage in more youth sales, you can do so without worrying about an impact on your career. So while the purpose is right and all of us do agree with the purpose of preventing access to youth, what we actually do, economists and businessmen and legal experts and public health officials all tell us will result in an increase in use. And, indeed, marihuana use has significantly increased in every single state that has legalized it.

Now another concern in my district, and I'm sure a concern in all of your districts, is the impact on highway safety. And once again, the data is indisputable. Every single state that has legalized marihuana has seen a dramatic increase in marihuana-related
traffic deaths and fatalities. This is not a statistic, this is real people. That's a father and mother who is never coming home again. It's one of our kids that's killed by someone who is under the influence of marihuana. In Colorado, 135 percent increase in five years. In Washington D.C. -- or Washington State, rather, in five years it doubled, doubled. By the way, that's not a racial issue because if you're killed in a car accident, it doesn't matter what your race is. It doesn't matter that you have a family that relied on you. It doesn't matter if you have kids that relied on you. It doesn't matter if it's one of your loved ones. And nobody disputes it. I mean, we've been debating now, I'm looking back at the clock, for several, several hours and no one has claimed that marihuana smoking is good for you. No one has claimed that the black market has gone down in those states that have legalized it. No one has claimed that the number of car accidents involving marihuana has gone down in those states that have legalized it.

Some of my colleagues have said so will New York State residents be better off if more residents are buying marihuana and smoking it, if more residents are spending money on recreational drugs, will we be better off? Or would we be better off if more people were spending money on school supplies or housing expenses or clothes or retirement. And I would argue that having more people burning money on recreational drug use is not in the best long-term interest of New York State.

There's one other quirky thing about this law and,
keep in mind, as legislators we vote on the law, we don't vote on concepts, we vote on the law. And what's unique about this law that I've never seen is that we put criminals in charge of the system. Now think about that concept for a minute. If you apply for a liquor license and you violate the Liquor Law, you're not eligible. But under this bill, one of the requirements to be on the Cannabis Advisory Board is that you're a convicted felon, that you are incarcerated, that you violated the law. It's a requirement. By the way, there's no requirement for any appointment for a Republican or the Minority, but there's a requirement that some of the members actually have been incarcerated for violating the drug laws and we're putting them on the advisory board.

This bill also says that the fact you've been convicted, sentenced, and incarcerated for a drug offense does not disqualify you for getting a license. It's -- I'm not making that up. You might think I am, but it's right there in the language of the bill. It says an application shall not be denied a license under this article based solely on a conviction for a violation of various sections. The sections that you can convict of and still be eligible for a license include a conviction for using a child to effectuate a controlled substance offense. Oh really? You're still eligible under this bill? Or how about the criminal sale of a controlled substance at or near a school. That's okay? It is under this bill. Or what about the criminal sale of a controlled substance, a prescription. That doesn't disqualify you? Not under this bill. Or the unlawful manufacture of methamphetamine,
that's okay, you can still get a license under this bill. If you're a drug dealer, you're eligible to be on a control board -- not on the control board, but on the advisory board.

My friends, let's be clear. None of us here in this Chamber or listening by Zoom or anywhere else support discriminatory enforcement, none of us. Every one of us is concerned and cares deeply about our schoolchildren and their health and safety, and every one of us is concerned deeply about the safety of our highways. And every one of us wants to reduce the illegal sale of recreational drugs in New York State. We all share that purpose. The question before us tonight is whether this legislation which removes the criminal sanctions on illegal sales, which imposes huge costs on the legal sale, that removes all the criminal sanctions on selling -- or not all of them, but reduces the criminal sanctions on the sale to children, provides special exemptions if you want to sell to children if you're not that much older, do these provisions advance our objectives? And in my opinion, they do not and, therefore, I will be recommending against this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes to close.

MRS. PEOPLES-STOKES: Okay, there we go. Thank you, Mr. Speaker. I introduced this legislation in 2013 with my colleague, Senator Liz Krueger. And as my friend and colleague, Mr. Gottfried, pointed out, I wasn't the first Assemblymember to ever introduce legislation calling for the legalization of marihuana and
allow it to be regulated much like we regulate alcohol. The first person to do that, Mr. Speaker, was Assemblymember Franz Leichter way back in 1969. Many of our colleagues today weren't even thought about, some of us were still in school. So this is not a new idea and as I said in my opening comments, it was some 90 years ago that this process started to criminalize people for using a plant that everybody else used who never saw a jail.

For -- this is an article from *The New York Times* in 1972, Mr. Speaker, it says, *For the third year in a row, a bill that would make marihuana as legal as liquor was announced today by the Democratic Manhattan Assemblymember. This time he had the backing of organized lobbying. While critics again dismissed the proposal as an annual pipe dream of the Assemblymember, he talked of a slow but inevitable bandwagon forming. Three years ago, he broached the idea of legalizing marihuana and regulating the sale, Mr. Leichter recalled being hissed on the floor as a public menace.*

Well, Mr. Speaker, we've grown that sponsorship to 53 of my colleagues whom I thank and I have a lot of gratitude for. We realize Mr. Leichter's dream today.

A few people have quoted Bible scriptures. I will say this one: *I know the plans I have for you, it's to prosper you.* And he knew the plans that Mr. Leichter laid out in 1969 and while it did take a lot of time, we're making it happen today.

This plant was criminalized, it was an intentional attack. The gentleman who came up with the idea laid out his thought
process, it's been said many times here today. We didn't make these words up, these are words that were said when he started this process of criminalizing this plant. Today, Mr. Speaker, we're reversing 90 years of prohibition. The last time New York State did anything like this is when we were removing the prohibition from alcohol. That was in 1933. Here we are in 2021, almost 100 years of prohibition on marihuana and we're removing it. Unlike any other state in America, this legislation is intentional about equity. Equity is not a second thought, it's the first one. And it needs to be because the people who paid the price for this war on drugs have lost so much, and for everything they lost we ended up as a government trying to fill that hole. I think it's time for us now to fill that hole in a manner that allows them not only to pick themselves up by their bootstraps, but to be able to have boots.

This is an opportunity to be transformative to people's lives. It strikes a balance regarding adequate public safety measures. I believe my colleague on the other side of the aisle just said no one ever wants to ride on a road where people are not driving safely. I get shaken up driving down the 90 seeing other people in cars as they go by me with their cell phones. So no one wants to be on a road that's not safe. The fact of the matter, drivers and pedestrians will be protected by the items that are in this piece of legislation. We're going to expand Drug Recognition Expert training throughout the State of New York, and pay the cost for doing so. We're also going to undertake a study that no one else has undertaken, but one that is
desperately needed because, in fact, just like when alcohol prohibition was lifted, no one knew how much alcohol was in your system in order for you to be inebriated and not be driving. But along came a breathalyzer. I don't know how long that took, but I'm hopeful that through this legislation it will take us no more than two years to determine what kind of method can officers use to determine if you're impaired by THC on the road. It calls for scientific research and we are going to provide that research. As you know, New York is full of very qualified scientists all throughout our SUNY systems, our CUNY systems and on our research institutions.

This legislation improves and expands medical marihuana. If it's one thing I learned from my colleague, Dick Gottfried, is you will have to have a repetitive message here and you have to be willing to repeat it more than once, sometimes for eight years, but a repetitive message eventually gets you to the point where you need to be. Importantly again, Mr. Speaker, this builds on historic legislation that was passed in 2019 - my colleague, Ms. Walker, spoke about that quite a bit this evening - that will ensure that thousands of New Yorkers who were convicted of marihuana offenses for less than three ounces will now have an opportunity to have those records expunged. Many times, Mr. Speaker, these arrests, they didn't happen because people were standing on the corner smoking marihuana. It didn't happen because people were visibly, publicly trading marihuana on street corners. They happened because officers stopped them and asked them to go -- and went in their pockets and found it. It became
public, now they were being convicted of it. These things need to change because the studies all tell us that more people who are not of color use the product, but only the people of color were the ones who were arrested, incarcerated, and left the judicial system and the jail system with a record, a record that even prevented them from living with their parents in public housing. A record that diminished their relationships with their children. All the social scientists tell us, it's a fact, that children who have parents who have been incarcerated it has residual impact on them. We need to try to fix these things. And I think this legislation will begin to help us do that.

It is important that I also honor David Gantt right at this moment, our former colleague, because he really was the Upstate member that was supposed to carry this legislation, but no, he convinced me to carry it, as did the advocates. And really, I'm glad he did because for me, it was a great learning experience. Eight years ago I wouldn't recommended anybody smoke marihuana. This year, I still wouldn't recommend that, but understanding the dynamics of how society is, what people already do, and that we do need to invest in people's lives, we do need to allow people opportunities should they desire, day one, to come from underground to aboveground. I've been this champion, and it's been all rewarding for me.

So I want to thank the Drug Policy Alliance, some phenomenal people over there; the Smart Start Coalition [sic] and countless advocates who, it was mentioned earlier if not for COVID-19, our Chambers would be packed with advocates who have
worked hard, as hard as my colleagues and I have on this legislation. And I honor them. I thank my cosponsor, Senator Liz Kruger, Assemblymembers Gottfried, Lupardo, and Walker, my tireless partners in this effort. And I thank the tireless staff. I mean, I have never been more impressed with the work that Central Staff has put into a three-way negotiation. This bill does say 1248, which is the bill number, of Marihuana Tax and Regulation Act, but it's been amended. This was a three-way decision and once the Central Staff understood where my principal positions were and would not move from, they were able to go into the room with any other staff, be it the Senators or the Governor's Office, and come out with this piece of legislation right here. And so I commend them and I really thank them. And I certainly want to thank the Speaker of this House, Carl Heastie, whom without his support, his encouragement even when I was ready for him to put it on the floor a year ago or two years ago, he knew the time wasn't right and he knew that this time is right. And so I thank Speaker Carl Heastie.

Again, proudly I stand on the shoulders of Mr. Leichter and David Gantt, and I'm honored to also stand on the shoulders of my daughter who wanted to see this happen. I'll be casting my vote in the affirmative.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.
THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 854-A. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to Rules Report No. 46, which is A01248-A, also Senate No. 854, the marihuana legalization bill. If there are members that would like to support this in the Republican Caucus, they should call the Minority Leader's Office and advise them. Thank you.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I would like to remind my colleagues that Majority members are generally going to be in the affirmative on this one. If there are folks who desire to be an exception, you should feel comfortable in contacting my office, let the staff there know and we will announce your vote accordingly. Thank you.

ACTING SPEAKER AUBRY: Thank you. And my sanguine counsel up here reminds me that this is the first vote of the day --

(Laughter)

-- and hopefully the last vote of the day.
(The Clerk recorded the vote.)

Mr. Gottfried to explain his vote.

Ms. Lupardo to explain her vote.

MS. LUPARDO: Thank you, Mr. Speaker.

Congratulations to the sponsors and to all the advocates who have worked so hard on this bill for so many years for adult use cannabis. We are legalizing tonight the sale of a plant that is already legal in many surrounding states. We are legalizing a product that is already used by millions of New Yorkers who regularly interact on the black market purchasing products of unknown origin, or who are traveling to other states. We are legalizing a plant that is often grown and imported into New York State from parts unknown. This is the chance to right the wrongs of the past. This is the chance to regulate and make all cannabis products safer for consumers, adult use, medical, and cannabinoid hemp all under one regulatory agency, the Office of Cannabis Management. And this is a chance to provide our farmers and our processors with a new commodity crop and the chance to provide our communities with the resources they have long needed to address mental health, substance abuse, drug recognition, and more. A sincere thank you to all who participated in the debate. Thank you, Madam Majority Leader, for your leadership, and thank you, Mr. Speaker, for taking this bill up as a standalone measure. I vote yes. Thank you.

ACTING SPEAKER AUBRY: Ms. Lupardo in the affirmative.
Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. I thank the sponsor for her hard work and dedication on this issue. I especially appreciate this bill being removed from the budget and debated fully and thoroughly here today.

I cannot support this legislation for several significant and important reasons, number one, the lack of a cap on the potency of marihuana. Simply put, THC levels should be capped, as well as serving sizes. Number two, there were no studies conducted with respect to high potency marihuana, the dangers associated with it, and its impact on children and young adults, including cannabis use disorder, and the increase in psychotic disorders. Number three, we talk about revenue, yet other states have fallen far short of the projections. In 2017 and '18, California was 92 percent below its revenue projection. We talk about criminal justice, yet after legalization there was no significant change in the prison population in Colorado or Washington, D.C.; in Virginia, in fact, only seven people were incarcerated for simple marihuana possession.

We talk about social equity, yet no state has successfully done so and, in fact, as my colleague from Brooklyn pointed out, corporations control the marketplace. We talk -- the lack -- lastly, the lack of a test to determine someone's level of impairment and the amount of THC in their system at the time of the infraction is significant and cannot be understated. We should be working to combat drug and alcohol addiction, not making it easier for people to
become addicted, especially at a young age.

So let's be clear, by legalizing recreational use of marihuana while not putting a cap on the potency, we are ensuring more people will have a substance use disorder. For all of these reasons, I cannot support this bill, Mr. Speaker. I vote no. Thank you.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative.

Mr. Brown.

MR. BROWN: To explain my vote.

ACTING SPEAKER AUBRY: To explain your vote, sir.

MR. BROWN: So one month ago on February 27th this year, two liberal Democratic Colorado lawmakers who supported legalization wrote an alarming op-ed entitled, *High potency THC creates unforeseen crisis in Colorado*. It started with, quote, "We have failed. As parents and elected officials, we have failed to provide the safeguards our kids and young adults deserve when it comes to the emergence of high potency THC products. We acknowledge that we need to better regulate the dangerous extracted chemical products now found in dispensaries across the State. At the time, we did not imagine that marihuana would lead to the introduction of a set of dangerous potency THC products."

Recently, I toured a medical marihuana dispensary on Fuller Road. I was really struck by the fact of how controlled the environment was. They had an on-site pharmacist, they required New
York medical marihuana ID card, they tracked how much the patient got and it was -- didn't allow looping of someone to go from dispensary to dispensary. What we're doing here today, make no mistake, is blowing the lid off of that in an uncontrolled environment despite all the levels of licenses, it is not going to change the illicit market for marihuana. I just wanted to point out what strikes me as odd is the people who are opposed to this legislation who spent their lives dealing with this issue, the Medical Society of New York State, the New York State PTA, the County Health Officials of New York, the New York State Neurological Society, the New York Electrical Contractors, mental health professionals, substance abuse professions and many, many more.

For this reason and many others, sir, I'll be voting against this bill. I do want to take the opportunity to thank the sponsor and the Majority Leader for her hard work and I look forward to working with her in the future on this issue. Thank you.

ACTING SPEAKER AUBRY: Mr. Brown in the negative.

Mr. Burke.

MR. BURKE: Thank you, Mr. Speaker. Really, I just wanted to commend the sponsor and let her know how proud we all are of her work, and I know her daughter is proud of her on this day. And, you know, just the, you know, you don't have to love marihuana or the substance to be in support of, you know, recreational marihuana. You know, it's my view that alcohol is a far more
destructive substance and we tried doing prohibition on that and it
didn't work. The same thing with marihuana, we're trying to do
prohibition on that and it doesn't work.

The best way to safely have people use this is to
regulate it, and it's also the financial best way to benefit New Yorkers
and to at least limit the black market that exists right now. So with
that, I proudly vote on this historic day in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Burke in the
affirmative.

Ms. Niou to explain her vote.

MS. NIOU: Thank you, Mr. Speaker, for the
opportunity to explain my vote. This is historic legislation and I can't
speak more highly of my colleagues who worked tirelessly on this
legislation for our communities, and I especially commend our
sponsor who I love for her dedication and admire for her
perseverance.

Today our State takes its biggest step yet to undo the
harm caused by decades of a racially discriminatory war on drugs that
has devastated New York's communities of color to no measurable
positive effect. And let's be clear, when I say no measurable positive
effect, I'm not exaggerating. What is the legacy of marihuana
prohibition in New York? In 1987 under Mayor Ed Koch, Black and
Hispanic New Yorkers accounted for nearly 80 percent of all
marihuana arrests even though the Drug Policy Alliance has showed
White New Yorkers are statistically more likely to use marihuana than
either Black or Hispanic groups. Let's move a decade forward to 1997. Under Mayor Giuliani, Black and Brown New Yorkers are now 85 percent of all marihuana arrests. Ten years later in 2006, Black and Brown New Yorkers accounted for nearly 90 percent of all marihuana arrests and now, as recently as 2016, Black and Brown arrests still accounted for over eight out of every ten marihuana arrests.

We have seen there is no way to make the war on drugs work because it is working exactly as intended as an all-out endless war on non-White bodies. I am proud to stand with my fellow legislators in ending that generational injustice, and this proposal will not only direct some of the profits from the legalized cannabis industry towards communities harmed by the war on drugs, it takes the extra step of expunging the convictions of those who were charged with possessions of less than three ounces of cannabis.

In too many states, individuals with past drug convictions have been prevented from finding work in the legal cannabis market because of those convictions and this bill provides support for those businesses. I commend the sponsor of this bill and I vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Niou in the affirmative.

Ms. Jean-Pierre.

MS. JEAN-PIERRE: Thank you, Mr. Speaker, for allowing me to explain my vote. I, too, want to join my colleagues in
congratulating the sponsor, and I’m sure your daughter is very proud.

Today we make history by legalizing marihuana for adult use in the State of New York. By legalizing adult use marihuana, we are taking an important step toward tackling inequity. Many underprivileged communities still face the ripple effects from the war on drugs, many being imprisoned on marihuana-related charges. These charges ruin lives, tear apart families, and hinder job future opportunities. Legalization will open a new booming job industry with good jobs. As we continue to recover from the pandemic, these jobs are much more needed as many jobs were lost from this pandemic.

Local municipalities are hurting from lost tax revenue, and this is another step forward in helping them. The additional tax revenue is huge and will help local governments continue to deliver their important services to communities across the State. The tax revenue will also help fund our schools, roadways, and other social programs. Many nearby states have also legalized marihuana where they generated a lot more tax revenue than expected. We can no longer lose New York tax dollars being spent in neighboring states. Making sure our communities have access to marihuana that is safe is very beneficial. We need to make sure our residents are doing these activities safely and this legislation helps assure that.

This bill includes many safeguards to keep us safe on the road, including a study that will work on finding ways to
determine cannabis impairments. The benefits to legalization are endless. I would like to give a special thanks again to the staff, the advocates, and of course, to the sponsor. Congratulations and I'll be voting in the affirmative and I hope my colleagues do the same. Thank you.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre in the affirmative.

Ms. Solages.

MS. SOLAGES: On the bill. For those who aren't familiar, the war on drugs is a phrase used to refer to a government-led initiative that aims to stop illegal drug use by dramatically increasing prison sentences. The war on drugs have profoundly unequal outcomes across racial groups. Communities of color have bared the impact of discriminatory enforcement of drug laws. The MRTA will ease the burden of New Yorkers who have been disproportionately impacted by the war on drugs.

New York State must be proactive. We have three neighboring states and a neighboring country, Canada, that have legalized adult use cannabis. An individual merely has to drive to these locations and return home. In addition, countless individuals are accessing unregulated cannabis in an underground market right in their community. It's a multi-billion dollar industry. This bill is a step forward to regulating a market for those 21 and older. It provides a framework for its production and sale and, most importantly, this plan amends a social and economic equity. I thank the sponsor for her
diligence, the Speaker for bringing this forward, the advocates for advocating for this, and the staff for working on this. This bill is not about revenue, it's about healing broken communities. I vote in the affirmative and I urge all my colleagues to do so.

ACTING SPEAKER AUBRY: Ms. Solages in the affirmative.

Mr. Steck to explain his vote.

MR. STECK: Mr. Speaker, thank you. I supported the legalization of marihuana when I first ran for the Assembly in 2012, and will vote in favor of the proposed legislation. I view the legalization of marihuana the same as when FDR repealed prohibition in 1932. Like alcohol, marihuana can be a very harmful and addictive substance; however, we do not make alcohol illegal. Marihuana distribution has not been curtailed by virtue of making it illegal. In Colonie, we have one of the best police forces of any town in the country; yet, any adolescent who wants to get marihuana in Colonie can get it. We need to take the marihuana distribution system out of the hands of organized crime.

We need to regulate the potency of and contents of marihuana, just as we do with alcohol. With marihuana as a legal product, we can keep harmful additives out of marihuana. We have done a better job of controlling underage drinking with alcohol as a legal product than we have with marihuana as an illegal product. Alcohol is a gateway drug, but we do not make alcohol illegal. DWI was passed before alco-sensor devices existed. Companies will
innovate to make devices to test for marihuana use as well. We can tax marihuana and use the money for drug treatment. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Steck in the affirmative.

Mr. Weprin to explain his vote.

MR. WEPRIN: Thank you, Mr. Speaker. I'd like to be excused from voting to explain my vote. I want to thank Speaker Heastie, our sponsor of the bill Majority Leader Peoples-Stokes, and all of my colleagues and advocates for making this much needed step possible. With cannabis being illegal -- being legal in 15 states already, the passage of this historic legislation is long overdue. The legal cannabis industry should bring in about $350 million per year. A 13 percent sales tax will be implemented, nine percent of which will go to the State and four percent to localities. In our three-way agreement, a portion of the tax revenue will also go to investing in communities that are most impacted by the prohibition of cannabis. This includes funding for programs that help those incarcerated for drug offenses, and educational programs and drug rehabilitation programs.

This is not just a fiscal issue, but also a social justice issue. The prohibition of marihuana and other aspects of the war on drugs disproportionately impacts communities of color. As Chair of the Correction Committee, I have visited many correctional facilities across the State where young people are held for marihuana
convictions. Not surprisingly, an overwhelming number of them are young people of color, their futures destroyed for simple non-violent offenses. This legislation to legalize marihuana is an opportunity for us to attempt to right our wrongs and to try -- and revenue -- and reverse some of the damage caused by the war on drugs. I withdraw my request and proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Mrs. Galef to explain her vote.

MRS. GALEF: To explain my vote. I've thought about this day for many years and many Assembly Sessions, and I tried to do as much research as I continued to study the issue. And, of course, I've always heard the passion from the Majority Leader. However, the question I always come back to was does legalizing marihuana, and I'm not talking about medical marihuana which I supported, but how does legalizing marihuana help the health and well-being of New Yorkers? So I met with my constituents, many of them have lost family members to overdoses and considered marihuana as the gateway drug in those instances. I attended town meetings to learn from the experts in the field. I interviewed doctors who cared for young adults or children in the emergency rooms of the hospitals who were medically impacted by marihuana. I heard from law enforcement about the issues of driving while under the influence of drugs. I heard from representatives of other states that had legalized marihuana from the school community, the substance abuse
community groups, and nowhere did I get a positive answer to my main and driving question: How does legalizing marihuana help the health and well-being of New Yorkers?

I also thought about all the legislation we passed over the years to curtail the usage of tobacco products by prohibiting flavored cigarettes, expanding no smoking zones, and trying to deal with the expanded use of vaping, especially with our youth and our schools, as well as eliminating vaping shops in our communities. We continue to address and strengthen DWI laws and even boating while intoxication laws year after year in the Assembly. So after years of examination of the issue and deciding what direction I would go with my single vote, I thought of my original question, would legalizing marihuana make the health and well-being of New Yorkers --

ACTING SPEAKER AUBRY: Mrs. Galef, how do you vote?

MRS. GALEF: So I will be voting no on the bill before us today.

ACTING SPEAKER AUBRY: Mrs. Galef in the negative.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. To explain my vote. You know, earlier I spoke about driving and the dangers of that, but I want to talk about the illegal street sales. You know, many times there's a misnomer that there's no violence involved, but I want to bring you back to the summer of 2000. I was a rookie Sergeant in
the 67th Precinct. I responded to a male shot on a corner of Avenue D in East Flatbush, a 16-year-old male shot in the chest. I was the first on the scene. I was kneeling over him, holding his hand, watching his eyes, telling him he was going to be okay. I watched him bleed out. He took his last breath and looking at me. I look at him and I see him every day. The investigation concluded and it turned out that it was rival gangs over a fight over a weed spot that he lost his life.

This bill does not give enough support to stop the black market trade. Just last year in Staten Island, we had another 16-year-old shot in a weed deal. These are real concerns that we have in our communities. That's something that I live with every day. And I don't tell you that because I'm looking for accolades, I'm saying it because I really care and this is something I'm passionate about. And until we really fix that, I cannot support this legislation. So I'll be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Reilly in the negative.

Mrs. Griffin.

MRS. GRIFFIN: To explain my vote, Mr. Speaker. As an Assemblywoman, it is my duty to ensure our communities are safe and always come first. While the intent of this measure is to help combat inequality and put New York on par with other neighboring states who have legalized, this law does not adequately protect our citizens.

First and foremost, this legislation does not go far
enough to address the issues of driving under the influence of marihuana. Generations of people, including my four children, have graduated from high school and college without ever learning about the dangers of driving under the influence. It is also concerning that this legislation does not regulate the levels of THC. While the bill does authorize a study for the development of a roadside test for marihuana similar to a breathalyzer, no such test currently exists. We currently do not have the enforcement mechanisms necessary to prevent New Yorkers from driving under the influence of this drug.

Furthermore, I have spoken to many parents, teachers, PTA leaders, school district administrators, and counselors in AD 21 who have advocated against this legislation with regard to the long-term effects on children's academic, social, and behavioral outcomes. I, too, am concerned about the mental and physical health and well-being of minors as well as young adults. Local municipalities have conveyed their opposition to legalization and will likely opt-out of having retail dispensaries in their localities. While county legislators in Nassau have voted to opt-out of having retail dispensaries and on-site consumption licenses within their municipality, the bill does not allow for a complete county-based opt out.

While I appreciate the Majority Leader's tireless work on MRTA, for the reasons I discussed above --

ACTING SPEAKER AUBRY: Mrs. Griffin, how do you vote?
MRS. GRIFFIN: -- I will vote -- I will be voting no on this bill. Thank you.

ACTING SPEAKER AUBRY: Mrs. Griffin in the negative.

Mr. Rodriguez.

MR. RODRIGUEZ: Thank you, Mr. Speaker, for the opportunity to explain my vote. I just want to thank the sponsor and the Speaker for bringing this important piece of legislation to the floor and giving us an opportunity to examine this issue. You know, in my position and the impact as a representative for East Harlem, which is predominantly a Black and Brown community that has been on the frontlines of the stop and frisk movement over the last ten years and has seen countless number of young people run through the system, disadvantaged with opportunities taken away from them as a result of having a minimal amount of marihuana. Now clearly I've been a strong advocate for decriminalization, but this takes the next step to really restore and provide opportunity for communities like mine that have been ravaged by the stop and frisk actions and the unfair Rockefeller Drug Laws and then to this point, targeted for minimal amounts of marihuana possession and usage. And certainly, taking this action does not necessarily condone or -- or -- or approve the use of marihuana amongst our young people; on the contrary, this makes sure that those folks do not have access to it. But to move in another direction is to ignore the reality that it's a multi-billion dollar industry run by organized crime and cartels, and this gives us an opportunity to
make parity with a number of states that are doing that and learn from what they've done and put forward a better system, and I think that's what this legislation really does.

The social equity and the restorative justice components are strong enough in this bill to make right many of the ills that have been done over the last 20 or 30 years and move forward with a path of wealth creation, job opportunity, and -- and real chance for communities like mine to be able to benefit from --

ACTING SPEAKER AUBRY: Mr. Rodriguez, how do you vote?

MR. RODRIGUEZ: -- from this change. And as a result, I'll be voting in the affirmative and encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Rodriguez in the affirmative.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. To explain my vote.

ACTING SPEAKER AUBRY: Please explain your vote.

MR. RA: So, you know, one of my colleagues very early on in the debate talked about an issue with regard to impaired driving and not basically updating our laws in terms of specific substances. And that continues to be a concern and one of the things we talked a lot about in this debate was uneven enforcement. Well,
that's going to be the case if we don't update those laws. We can have individuals who may be driving under the influence, but if they don't submit to a test and it's not a substance that can be identified on a list, there's not going to be any penalty for them.

So I think one of the things we have to realize, this is not the end of this conversation. There are things that we need to do and still can do before legal sales start happening within our State. One of them is updating our -- our drug driving statute. Another one is making sure that the funding for Drug Recognition Experts comes on the front end. I understand there's Federal funding and hopefully we're going to have funding that comes from the revenue, but we need to be ready when this goes into effect. And it needs to happen en masse. Police departments all over the State are going to need many, many more of these Drug Recognition Experts; we only have 343 of them in the entire State as of February of 2020. So for these reasons and many others, I'm going to be casting my vote in the negative.

Thank you.

ACTING SPEAKER AUBRY: Mr. Ra in the negative.

Mr. Otis.

MR. OTIS: Thank you, Mr. Speaker, and congratulations to Crystal Peoples-Stokes for her -- her leadership and dedication and articulate -- showing the way in such an articulate way. But we have to note a few things. This bill is substantially different than the bill she originally introduced. This bill leaves room for
adjustments. This bill is substantially different because we've learned from the mistakes of other states and that's important, but we also have to recognize that there's a lot of heartache out there, heartache because of the unequal treatment over generations in this State. Heartache also for those that have lost family members because of -- of drug abuse and the horror that that brings.

But much has been said about unequal treatment, but I don't think we've said enough about the unequal treatment by race, because it doesn't tell the full story. In this State, unequal treatment was enforced aggressively. These laws were enforced more aggressively than most other laws; in fact, we led the nation in overly aggressive enforcement of these laws, and that's the legacy that we have to correct today. We also take note of the fact that we have three neighboring states and other states in the region that have already taken this step, and so we cannot add to a new inequality which is to have different laws here than we see in at least three of our neighbors, we see in Canada.

So I vote aye because we need to bring fairness to our criminal justice system as we've done in other areas, and this is the way to do it. The bill is a sensible, well-thought-out bill that listened to a lot of people on both sides of the issue. Congratulations, Crystal. Thank you, Mr. Speaker; thank you, colleagues.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Ms. Hyndman.
MS. HYNDMAN: Thank you, Mr. Speaker, in allowing me to explain my vote. This is definitely a time that we can use the phrase "delayed does not mean denied," so I would like to thank the sponsor of having this bill for the last eight years and now we are finally passing it tonight. Before the invention of the modern breathalyzer in the 1950s to determine if someone was too intoxicated to drive, it was incredibly subjective. And it sounds very familiar as we are passing this and there's no technology to detect it, as some of my colleagues have said, but it took decades for law enforcement technology to catch up one of their most pervasive crimes of drunk driving. (Inaudible) -- alcohol came after the use of alcohol was integrated into our society because we realized it was necessary. And all the testimony I've heard in the many hearings that took place in the last couple years, the DAs have said they never had to arrest someone high on marihuana abusing their spouse, high on marihuana fighting or committing violent acts.

There's a lot more work to do, so let's not get weary in doing the work to correct decades of damage to our communities. And I'm sure more bills will pass when it comes to MRTA, but for now, I'd like to thank the Speaker for having the faith in our Majority Leader to carry this bill. And so for this reason -- these reasons and many others, I'll be voting in the affirmative and urge my colleagues to do the same. Thank you, Mr. Speaker, for allowing me to explain my vote.

ACTING SPEAKER AUBRY: Ms. Hyndman in the
Mr. Tague.

MR. TAGUE: To explain my vote, Mr. Speaker.

ACTING SPEAKER AUBRY: To explain your vote, sir.

MR. TAGUE: First of all, again, I want to thank the Majority Leader. You stood there, took it all day long, and appreciate and respect everything that you did. But I do want to say that I'm a little outraged and feel very disingenuous that many speakers talked about this going to save farms or help our farmers. For people that have no experience on how to run a farm or have no experience about how a farm works, to make those statements again, very disingenuous. I cannot support this bill to legalize marihuana because it does not affect the impaired driving situation. So for those reasons, Mr. Speaker, I will be voting in the negative.

ACTING SPEAKER AUBRY: Mr. Tague in the negative.

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Thank you, Mr. Speaker. I just want to do a few thank you's. One, to the army of advocates who have been doing such terrific work for so long to get this bill passed: The Start SMART Coalition, the Drug Policy Alliance, VOCAL, and a variety of other organizations. This has really been a people-powered issue. And finally, Crystal Peoples-Stokes, not only for her fight for this bill, her persistence, her skill in -- in fighting for this bill for so
many years, but for her extraordinary, really terrific debate this afternoon and -- and tonight. It was just a pleasure to listen to and a fine moment for the Assembly, and I'm delighted to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Mrs. Peoples-Stokes to close.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I want to join all of my colleagues who have been thanking the amazing advocates who have been present for legislation like this for a while. And I also want to mention that, again, this is not the bill in its original format. This is an amended bill that it literally took the staffs of three sections of our government to come up with. And so to that end, I again want to honor my colleague, Liz Kruger, Senator Kruger, and I also want to honor the Governor and his staff for helping us work through the differences in our bills and allowing -- and allowing us to come up with a product that I think is even better than what we had originally posed. And I want to say to my colleagues on the other side of the aisle, I enjoy a rigorous debate. I think it's a part of society; in fact, I actually grew up that way. I told you all this before, I had one brother that was older and one brother that was younger. And so I was always in a constant debate about something or the other. It -- it doesn't bother me to do that. But I will caution that you will note that as many times as you asked me the same question expecting a different
answer, it didn't happen.

(Laughter)

The answer was always going to be the same. And so sometimes that will agitate people and press them to be aggressive towards you. Well, that's not going to aggravate me and press me to be aggressive towards you, because I think at the end of the day, I have always felt this and I still do, is that you treat people the way you want to be treated, not so much how they treat you. And I assure you that the full implementation of this law will be beneficial to all of our communities and, quite frankly, to the great State of New York.

Thank you.

ACTING SPEAKER AUBRY: Mrs. Crystal Peoples-Stokes in the affirmative.

Are there --

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I do have some exceptions. If you would please note Mr. Barnwell, Mr. Colton, Ms. Pheffer Amato, Mr. Theile, Mrs. Galef, Mr. Stern, Mr. Jones, Mr. Santabarbara, Mrs. Griffin, Mr. Eichenstein, Ms. Rajkumar and Ms. Buttenschon in the negative.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)
Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do we have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: No housekeeping, but several fine resolutions. We will take them up with one vote. On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 151-154 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that Assembly stand adjourned until the call of the Speaker on Wednesday, March the 31st, tomorrow being a Session day. And I'd also like to please advise our Majority colleagues that there will be a conference immediately following tomorrow's Session.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 10:37 p.m., the Assembly stood adjourned until Wednesday, March 31st, at the call of the Speaker.)