



SENSIBLE MARIJUANA ACCESS THROUGH REGULATED TRADE

MARIJUANA JUSTICE IN NEW YORK 2021

We believe that it is time to stop the ineffective and unjust enforcement of marijuana prohibition in New York and begin *responsibly regulating marijuana* to better serve public health, community well-being, and equity.

What Does the Marijuana Regulation and Taxation Act (S.854/A.1248) Do?

- Allows the responsible use of marijuana by adults 21 and over within a tightly regulated system.
- Improves the medical marijuana program and expands hemp farming.
- Regulates all aspects of cannabis under the Office of Cannabis Management.

The MRTA centers racial and economic justice by:

- ➔ **Addressing harms of prohibition:** resolve devastating impacts of marijuana prohibition in the fields of immigration, housing, employment, child welfare, and other collateral consequences.
- ➔ Ensuring an **equitable and diverse industry**, including having a social equity licensing program on day one, supporting farmers and small businesses over large corporations, and providing real banking and capital solutions.
- ➔ Using revenue from marijuana legalization for **restitution to communities** that have been most impacted by criminalization.

New York must be responsive to the legacy of harm from marijuana prohibition and ensuring marijuana justice through the Marijuana Regulation and Taxation Act, which will:

Address marijuana regulation as a criminal justice reform issue

- Protect against discrimination in housing and employment and addresses devastating impacts of marijuana prohibition in the fields of immigration and family law.
- Expand resentencing and reclassification of crimes for people previously convicted for marijuana, increasing opportunity for thousands of New Yorkers; removing a positive marijuana test as sole justification for violating a person's parole or probation.
- Protect against continued criminalization of youth and help people transition from the illicit to the legal market.

Focusing on small businesses, family farmers & community participation – not large corporations

- Establish a licensing structure designed to create a favorable environment for small businesses and family-scale farmers. The co-op and microbusiness licenses reduce barriers to entry, encouraging entrepreneurial efforts and providing opportunities for people with less access to capital and traditional avenues of financing.
- Create a social equity program, offering priority licensing for individuals and communities harmed by prohibition.
- Create a small business incubator program to provide direct support to small-scale marijuana license holders through legal counseling services, education, small business coaching, compliance assistance, and funding in the form of grants or low- or zero-interest loans.
- Allow for social consumption (also called on-site consumption) and delivery licenses, which provide entry points into the industry that are not as capital-intensive.

Use tax revenue for community reinvestment and social good

- Make revenue available for efforts that will invest in communities harmed by the war on drugs and mass incarceration through job training, economic empowerment, youth development programming, and re-entry services.
- Provide funding to conduct studies analyzing the impacts of marijuana legalization on public health, public safety, youth use, the state economy, the environment, and the criminal justice system.
- Invest resources from tax revenue in public information/education campaigns about impacts of marijuana use, especially driving impairment and youth.
- Fund drug treatment programs and evidence-based public education campaigns geared toward reducing overdoses and saving lives, providing much-needed resources to people who struggle with substance use and building out scientifically-supported prevention strategies.

Protect young people and providing comprehensive education

- Reducing the accessibility of marijuana, and thus youth use of marijuana, by banning the advertising of marijuana to minors and near schools and youth centers.
- Selling to minors remains illegal and results in serious penalties for businesses.
- Marijuana products cannot be made attractive to children.
- Similar to the consequences for underage drinking, youth under the age of 21 would be charged with a non-criminal infraction for underage possession. The minor's marijuana would be confiscated and they would be issued a ticket for a small fine and required to complete drug awareness education, counseling, or community service.
- Allowing for reality-based conversations and holistic education for young people (similar to comprehensive sex ed), which has proven more effective than abstinence-only frameworks.

Protect consumers and provide information for better decisions

- Marijuana products must be independently tested to comply with consumer safety standards and products must be trackable from seed to sale.
- Packaging must feature warning labels and be opaque, re-sealable, and child resistant. Separate packaging for each serving is required for all marijuana-infused products.
- Labels for marijuana products must clearly display product potency. Retailers will be able to better inform consumers about impairment, *reducing* instances of driving while under the influence.

Restrict marketing and advertising

- Strictly banning advertising and marketing strategies that are designed in any way to appeal to children and youth under 21 years old; ban on advertising that promotes overconsumption or disseminates false or misleading information to customers.
- Prohibiting ads in public transit vehicles and stations or within two hundred feet of sensitive areas, including playgrounds, childcare centers, public parks, libraries, and schools.

Learn more at [smart-ny.com](https://www.smart-ny.com)