

FURTHER DEVELOPMENTS REGARDING THE DECRIMINALIZATION OF MARIJUANA

Hemp & Medical Cannabis Alert
July 2, 2019

The New York legislature recently passed a bill that further decriminalizes the possession of small amounts of marijuana and that will expunge the records of people with prior low-level marijuana convictions. The bill must be signed by the Governor before it takes effect.

For the last few decades, possession of less than 25 grams of marijuana was a violation, but possession of anything more than 25 grams, or smoking marijuana in public, was a crime. This new bill reclassifies unlawful possession of marijuana and treats possession of up to two ounces as a violation, punishable only by a fine. A person is subject to a \$50 fine for possession of less than one ounce, or a \$200 fine if found in possession of between one and two ounces of marijuana. Smoking marijuana in public, which was a class B misdemeanor, is only a violation under the new bill.

Critically, the bill also establishes procedures for automatic record expungement for past and future convictions. Once the law takes effect, the Office of Court Administration is required to develop and disseminate an information campaign concerning expungement of marijuana convictions. Finally, the bill amends the definition of “smoking” under the Public Health Law, so smoking marijuana will be prohibited in any circumstance where smoking tobacco is prohibited.

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