

STRICKEN AS OF 8/13/2019
AMENDED COPY AS OF 3/21/2019

Intro. Res. No. 1038-2019

Laid on Table 2/13/2019

Introduced by Legislators Trotta and Kennedy

**RESOLUTION NO. -2019, ADOPTING LOCAL LAW
NO. -2019, A LOCAL LAW PROHIBITING THE RETAIL SALE
OF MARIJUANA PRODUCTS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 13, 2019, a proposed local law entitled, "**A LOCAL LAW PROHIBITING THE RETAIL SALE OF MAUIJUANA PRODUCTS IN SUFFOLK COUNTY**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2019, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW PROHIBITING THE RETAIL SALE OF MARIJUANA
PRODUCTS IN SUFFOLK COUNTY**

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the State of New York is considering the legalization of marijuana for recreational purposes.

This Legislature also finds and determines that marijuana has long been regarded as a gateway drug that serves as an introduction to drug culture and can lead to the use and abuse of other substances.

This Legislature further finds and determines that tetrahydrocannabinol, the active chemical in marijuana commonly known as THC, over stimulates certain parts of the brain, causing a "high" that can impair memory, coordination, cause hallucinations, and create difficulty thinking clearly and problem solving.

This Legislature finds that other physical effects of marijuana use include breathing problems, increased heart rate and paranoia.

This Legislature determines that long term use of marijuana can cause impaired thinking, memory and learning functions that last long after an individual has stopped using the drug.

This Legislature also finds that marijuana use is particularly dangerous for adolescents and young adults under the age of 25, whose brains are still rapidly developing. The impacts outlined above are more pronounced in these age groups and are more likely to cause permanent damage to an individual's memory, learning and reasoning capabilities.

This Legislature further finds that the effects of marijuana impair the executive functions needed to safely complete tasks like operating a motor vehicle, often without the user realizing that their response time is impacted.

This Legislature also determines that in order to limit the exposure of County residents to the damaging effects of marijuana, both as recreational users and as innocent bystanders on our roadways, the County should prohibit the retail sale of marijuana products.

Therefore, the purpose of this local law is to prohibit the retail sale of marijuana products within the County of Suffolk.

Section 2. Definitions.

The following terms used in this law shall have the meanings indicated:

HEMP CANNABIS – the cannabis sativa plant and any part of such plant when such plant has a tetrahydrocannabinol concentration of not more than 0.3%.

MARIJUANA – any part of the cannabis sativa or cannabis indica plant, either alive or in dried form. This definition shall not include hemp cannabis.

MARIJUANA PRODUCTS – any substance derived from or containing marijuana or concentrated tetrahydrocannabinol. This definition shall include, but not be limited to, products intended to be consumed orally, products intended to be vaporized, oils, tinctures, waxes and combustible products.

PERSON – any natural individual, firm, corporation, partnership, limited liability company, entity joint venture, association or organization of any kind.

RETAIL – the sale of goods to the general public in small quantities for individual use and consumption rather than resale.

WHOLESALE – the sale of goods in quantities intended for resale.

Section 3. Restrictions.

- A. No person shall sell, offer for sale, distribute or offer for consumption marijuana or marijuana products in a retail setting or environment for non-medical purposes.
- B. No person shall cultivate, process, manufacture, produce, or distribute marijuana or marijuana products for non-medical resale purposes.

Section 4. Exemptions.

The restrictions set forth in this law shall not apply to:

- A. Medical marijuana dispensaries authorized pursuant to Article 33 of the New York Public Health Law which provide marijuana and marijuana products to patients certified as having a medical need; or
- B. Hemp cannabis grown and produced for commercial or industrial purposes.

Section 5. Penalties for Offenses.

Any person who knowingly violates the provisions of this law shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to 1 year's imprisonment.

Section 6. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: