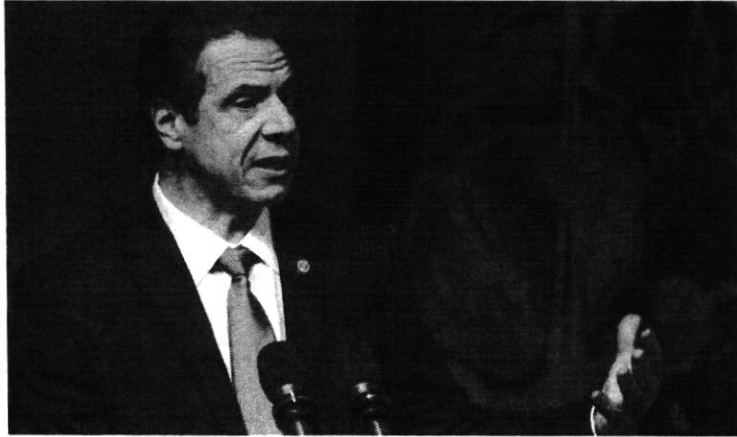


NEWS

Marijuana legalization and NY: Recreational push in 2019 legislative session

How should potential marijuana tax revenue be used? Politicians are at odds.



Gov. Andrew Cuomo outlined his plan to legalize marijuana in 2019 during his state budget address on Tuesday. Photo Credit: J. Conrad Williams Jr.

By amNewYork

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Gov. Andrew M. Cuomo intends to make New York the 11th state to legalize the recreational use of marijuana.

Over the past year, city and state officials have taken steps toward possible legalization, with public listening sessions and government reports leading to legislative efforts to produce a bill.

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Key Assembly members doubt legislators can produce a recreational marijuana bill as part of state budget negotiations, with the spending plan due by April 1.

“Being honest and saying six weeks may not be enough time to come up with regulations, deal with economic impact on communities and the criminal justice aspects, somehow gets reactions of outrage instead of understanding and acknowledgment of the commitment to get this done,” Assembly Speaker Carl Heastie [tweeted Thursday](#).

Cuomo has requested the regulatory framework be completed as part of the budgetary process.

Assembly Majority Leader Crystal Peoples-Stokes agreed with the speaker, [telling the Buffalo News](#) Friday that legislators are “only about 50 percent of where we need to be with the governor’s proposal. A lot of conversations need to be had.”



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Public support

The vast majority of voters in New York state [support legalizing marijuana and erasing past criminal convictions for possession](#), according to a [Quinnipiac poll](#) released Jan. 24.

That support crosses racial, gender, political and regional demographics, with every surveyed group in favor of the legalization push, with 65 percent in support statewide, 31 percent

against, and the remainder unsure, according to poll analyst Mary Snow of Quinnipiac University, which conducted the survey earlier this month.

“We’re seeing New Yorkers in support of legalization,” she said. “There are some concerns being expressed, for example, about potential increase in car accidents, but overall New Yorkers say they would be in favor of legalizing marijuana and also be OK with it sold in their communities.”

State draws closer to legalizing marijuana

Cuomo has painted a broad picture of legalizing marijuana in 2019, but details on how it would all come together were sparse.

In his budget address earlier this year, Cuomo said the legal age to consume marijuana should be set at 21, and he projected that tax revenue from legalizing the drug could be as much as \$300 million once the plan is fully rolled out in 2023. However, the state wouldn't see any tax revenue until 2021, when the state is expected to net just \$83 million.

The governor also suggested that communities of color, which have been disproportionately affected by the policing of marijuana, should benefit from the economic opportunities made available by a burgeoning industry – a strategy that has been widely supported by advocacy groups and progressive lawmakers.

"Let's create an industry that serves the community that paid the price, and not rich corporations," Cuomo said. "Now we just have to put it in place."

One element that had local leaders, including the New York State Association of Counties, asking questions is Cuomo's plan to allow major cities and counties the ability to opt out of the law.

All counties could opt out, but only large cities with populations of more than about 100,000 or more would be eligible to do so. The intent is to make it clear where recreational marijuana use is allowed by taking advantage of clear signage that identifies big cities and county lines, said Cuomo spokesman Jason Conwall.

But the New York State Association of Counties wants more information on what it called "a complex area of public policy."

"It does make sense in some instances for a regional government to have the ability to make decisions like this and we are looking at this, but we are sort of neutral on it now," said NYSAC Executive Director Stephen J. Acquario. "We're trying to figure out the revenue side of it as well."

Cuomo's decision to include marijuana legalization in his budget follows a series of [public hearings in 2018 that endorsed decriminalization efforts](#) after the state Department of Health issued a report advocating a change in law.

The six-month Health Department study, commissioned by Cuomo, was released in July and determined that the benefits of legal marijuana outweigh the risks. The department also determined that legalizing the drug for New Yorkers older than 21 would not significantly raise smoking rates and could help reduce racial disparities in police enforcement.

Where does Mayor Bill de Blasio stand?

De Blasio, who had not previously endorsed full recreational legalization, reversed course with the release in

"We have a once-in-a-generation opportunity to get a historic issue right for future New Yorkers," de Blasio said in a letter attached to the report. "Legal cannabis is coming to New York State."

The task force recommends the taxation of marijuana sales in New York City, restriction of purchase and possession to those 21 and older and expunging of marijuana-related convictions.

The mayor had previously backed efforts to reduce the effects of marijuana enforcement, and as of Sept. 1, most New Yorkers found smoking in public face criminal summonses, rather than undergoing an arrest.

"Nobody's destiny should hinge on a minor nonviolent offense," de Blasio said in June when announcing the policy change. "Neighborhood policing has helped to bring officers and community together, but we still have more work to do to right the wrongs in the criminal justice system. This new policy will help reduce unnecessary arrests, while making our city fairer and safer."

Decriminalization efforts in the city

Convictions for marijuana possession have dropped drastically in Manhattan and Brooklyn as their respective district attorneys pursue decriminalization efforts.

Starting Aug. 1, Manhattan District Attorney Cyrus Vance Jr. stopped prosecuting low-level marijuana possession and smoking cases, with two exceptions: Those who possess 10 bags or more of marijuana for sale, and those who demonstrate a public threat.

In addition, close to 3,000 outstanding misdemeanor marijuana possessions and smoking cases that date to 1978 have been dismissed and sealed. Vance's office said 79 percent of those cases concerned people of color.

Brooklyn District Attorney Eric Gonzalez has continued a pilot program that largely excuses low-level marijuana smoking arrests. The number of cases accepted for prosecution in Brooklyn went from 349 in January to 29 in June, a 91 percent drop.

On Dec. 19, for the first time in the state's history, Gonzalez vacated 28 low-level marijuana convictions through an initiative he began in September.

Manhattan saw a similar decline in the first quarter of its new policy, with a 94 percent drop in marijuana prosecutions from Aug. 1 to Oct. 31.

"Now it's time for New York State to legalize, regulate and expunge," said Vance. "District attorneys in Brooklyn, St. Louis, Philadelphia and Manhattan have shown that prosecutors can safely exercise their

marijuana. But this shouldn't be up to district attorneys alone — only our legislature can do justice for all 62 counties in New York State.”

Medical marijuana remains legal in New York state for patients who are certified by medical practitioners as having serious conditions, under the Compassionate Care Act. The conditions include cancer, AIDS and severe chronic pain among other ailments.

How would tax revenue be used?

Adult recreational use of marijuana hasn't been made legal yet, but that hasn't stopped politicians in the city from arguing over how the potential tax revenue should be spent.

Based on a retail tax rate between 7 and 15 percent, revenue from legalizing marijuana could reach between \$110.3 million and \$428.1 million per year, according to a report issued by NYU Wagner's Rudin Center for Transportation Policy & Management.

Former City Council Speaker Melissa Mark-Viverito, a current candidate for public advocate, held a rally on Dec. 6 in support of her plan to use marijuana tax revenue to fix the city's beleaguered subway system.

"I'm making this a priority," she promised.

City Councilman Rafael Espinal, who is also running for public advocate, called his rival's plan "misguided." He believes the revenue should be pumped back into communities of color, which have been unfairly targeted by the state's drug laws.

"This is the perfect opportunity to right a historic wrong," Espinal said in an emailed statement.

With Newsday

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