



# This Week in New York

Covering New York State and City Government

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April 1, 2021 Edition



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## *In the News – New York State*



### **NYS Legalizes Adult-Use Cannabis**

The New York State Legislature this week passed and Governor Andrew Cuomo yesterday signed legislation to legalize adult-use cannabis and to establish a State-regulated recreational marijuana program.

According to Governor Cuomo, Chapter 92 of the Laws of 2021 immediately legalizes cannabis use by New Yorkers 21 and older by adding cannabis to the State’s Clean Indoor Air Act (CIAA) which establishes a baseline on where cannabis can be smoked or vaped. Also, the law creates an automatic expungement or resentencing for anyone with a previous marijuana conviction that would now be legal under the law.

Municipalities and local governments are permitted to make laws that are more restrictive than the CIAA. The law contains various provisions to ensure that cannabis is treated as a lawful substance and to prevent discriminatory enforcement.

In addition, Chapter 92, sponsored by Senator Liz Krueger and M of A Crystal Peoples-Stokes, establishes the Office of Cannabis Management to implement a comprehensive regulatory framework that covers medical, adult-use, and cannabinoid hemp. The bill also expands New York State's existing medical marijuana and cannabinoid hemp programs. The legislation provides licensing for marijuana producers, distributors, retailers, and other actors in the cannabis market, and creates a social and economic equity program to assist individuals disproportionately impacted by cannabis enforcement that want to participate in the industry. Estimates project the program to be operational within 18 months.

According to the Governor, tax collections from the adult-use cannabis program are projected to reach \$350 million annually. Additionally, there is the potential for this new industry to create 30,000 to 60,000 new jobs across the State.

The law sets a 9 percent sales tax on cannabis, an additional 4 percent tax split between the county and municipalities, and a tax based on THC content — 0.5 cents per milligram for flower, 0.8 cents per milligram for concentrated cannabis, and 3 cents per milligram for edibles. All cannabis taxes will be deposited in the New York State Cannabis Revenue Fund and with the exception of program administration costs, 40% of revenue from sales would be dedicated to reinvestment in communities disproportionately affected by the state's drug laws, 40% to education, and 20 percent to drug treatment, prevention, and education.

Cities, towns, and villages may opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses by passing a local law by December 31, 2021 or nine months after the effective date of the legislation. They cannot opt-out of adult-use legalization.

The law will also allow people with a larger list of medical conditions to access medical marijuana, increase the number of caregivers allowed per patient, and permit home cultivation of medical cannabis for patients.

The New York State Department of Health will work with institutions of higher education to conduct a controlled research study designed to evaluate methodologies and technologies for the detection of cannabis-impaired driving. After completion of the research study, DOH may create and implement rules and regulations to approve and certify a test for the presence of cannabis in drivers. The use of cannabis by drivers will remain prohibited and will carry the same penalties as it does currently.



## **Chapters of the Laws of 2021**

**Chapter 89 – Sponsored by Senator May and M of A Bronson** - Provides for the authorization and regulation of visitation of compassionate care-giving visitors at nursing homes and residential health care facilities.

**Chapter 90 – Sponsored by M of A Burgos/Senator Mannion** - Relates to the number of signatures for independent nominating petitions.

**Chapter 91 – Sponsored by M of A Galef/Senator Hoylman** - Authorizes the chief administrator of the courts to establish veterans treatment courts; and relates to the removal of certain actions to veterans treatment courts

**Chapter 92 – Sponsored by Senator Krueger/M of A Peoples-Stokes** - Enacts the "marijuana regulation and taxation act."

**Chapter 93 – Sponsored M of A Aubry/Senator Salazar** - Restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options.



## COVID-19 UPDATES

### Professional Sports (April 1)

- New York's Major League Baseball teams, the New York Mets and New York Yankees, can resume play with spectators in the stadiums, beginning April 1. Professional sports in large outdoor stadiums that hold 10,000 people or more will be allowed to reopen at 20 percent capacity. Attendees must show proof of a recent negative test or completed vaccination series prior to entry and are subject to strict state guidance on face coverings, social distancing, and health screening. If the public health situation continues to improve, State Department of Health may discontinue testing and vaccination entry requirements in mid-May. Vaccinations will continue to be administered at Yankee Stadium and Citi Field during the MLB season.
- Smaller, regional sports venues that hold 1,500 people indoors or 2,500 people outdoors can also reopen, beginning April 1. Initial capacity will be limited to 10 percent indoors and 20 percent outdoors. Attendee health status information requirements and social distancing guidance apply.

### Event, arts, and entertainment venues (April 2)

- Can reopen at 33 percent capacity, up to 100 people indoors and up to 200 people outdoors.
- If all attendees present proof of negative test prior to entry, capacity can increase up to 150 people indoors and up to 500 people outdoors.
- Social distancing and face coverings will be required by all attendees, as well as strict adherence to all applicable Department of Health guidance.

### Extended Hours: Gym, movie theaters, bowling alleys, casinos, and billiards halls (April 5)

- Gyms, movie theaters, bowling alleys, casinos, and billiards halls will be able to stay open past 11 p.m. The curfew remains in place for restaurants, bars, and catered events.

### Vaccine Eligibility (April 6)

- All New Yorkers aged 16 and above are eligible for vaccines.

## *In the News – City*



### **MTA Ready to “Hit the Ground Running” on Congestion Pricing Following U.S. D.O.T. Direction**

The Biden Administration this week notified the Metropolitan Transportation Authority (MTA) that it should conduct an environmental assessment of the Central Business District Tolling plan (CBDTP), a major step toward implementing the State-approved system that would charge drivers to enter Manhattan south of 60th Street.

“With this guidance on an environmental assessment now in hand, the MTA is ready to hit the ground running to implement the Central Business District Tolling Program,” MTA President Patrick Foye said. “We are already working on preliminary design for the roadway toll system and infrastructure, and we look forward to working with our colleagues at the Federal Highway Administration to conduct the review and broad public outreach so that we can move forward with the remainder of the program as soon as possible.”

The state Legislature approved the CBDTP in 2019. Under the plan, the MTA’s Triborough Bridge and Tunnel Authority (TBTA) will establish the CBDTP, which will charge travelers a variable fee for driving into Manhattan’s Central Business District (any area south of 60th Street). The plan is expected to generate \$1 billion annually which will be allocated for MTA capital projects. The Authority has a \$51.5 billion Capital Program.

The program was initially anticipated to start on January 1, 2021 but was held up in the Environmental Policy Act (NEPA) review process, waiting for the federal government to provide direction. On Tuesday, the FHWA provided this guidance, directing the MTA to complete an environmental assessment, as opposed to a large-scale environmental impact statement.

“The FHWA looks forward to assisting New York so we can arrive at a prompt and informed NEPA [National Environmental Policy Act] determination on this important and precedent-setting project,” said acting Federal Highway Administrator Stephanie Pollack in a statement. “This approach will ensure that the public participates as local and state leaders explore new possibilities for reducing congestion, improving air quality, and investing in transit to increase ridership.”

A six-member Traffic Mobility Review Board will recommend toll pricing to the TBTA. To date, the review board has yet to be named and no meetings have been being scheduled.

# Briefs

## NYS Misses Budget Deadline

The April 1<sup>st</sup> statutory deadline for enactment of New York's 2021-2022 fiscal plan came and went, with the State Legislature adjourning last night having approved only the State Debt Service Budget bill.

Passage of this bill allows the State to continue to operate while the Legislative Leaders and the Governor negotiate the State's fiscal plan. Both houses of the Legislature have adjourned and are at the call of the respective leaders (at time of publication).

## Governor Signs Nursing Home Visitation Bill

Legislation providing family members increased access to their loved ones for routine and compassionate care was signed into law this week by Governor Andrew Cuomo.

Chapter 89 of the Laws of 2021's enactment comes days after Governor Cuomo and Health Commissioner Howard Zucker eased restrictions for nursing home visits. State lawmakers urged the Governor to sign the bill to codify the new order.

Under the new law, State Health officials will develop regulations to allow personal caregiving visitation, compassionate care visitation, and end-of-life support.

## Attorney General James Scores Victory for Thousands of Elderly New Yorkers

### *AG James Secures Refunds for Life Alert Customers & Negotiates Early Contract Cancellations*

New York Attorney General Letitia James this week scored a victory for potentially thousands of New Yorkers locked in illegal contracts. In an [agreement with Life Alert Emergency Response, Inc.](#), Attorney General James has negotiated for more than 5,500 New York consumers to cancel their current contracts with the company before the end of the 36-month contract they signed.

In addition, Attorney General James has negotiated for Life Alert to provide refunds to more than 700 New York consumers who unsuccessfully tried to exercise certain cancellation rights in the past. The agreement resolves an investigation into Life Alert's failure to include certain mandatory cancellation provisions — required by New York law — into the personal emergency response service contracts.

Consumers signing up for Life Alert's service are required to sign a 36-month monitoring service agreement and pay a monthly service monitoring fee, plus upfront programming and installation fees. New York Law General Business Law § 391-l requires that consumers must to be verbally told, as well be notified in their written agreement, at the time they sign the contract or purchase a service, that they have seven days after signing the agreement to cancel it. Also, the seven-day cancellation period does not begin to run until such disclosures are made.

Attorney General James' investigation found that — from at least January 2014 through February 2020 — Life Alert did not make these oral and written disclosures, affecting over 16,000 New York consumers who contracted with Life Alert (some continue to utilize the service on a month-to-month basis, while others cancelled the service after their contract terminated).

## **De Blasio Administration Announces Clean Streets Initiatives**

The de Blasio Administration this week announced three new clean street initiatives including a borough-based cleaning program, neighborhood clean-up support, and additional dedicated litter basket service.

The Department of Sanitation has created a Precision Cleaning Initiative, with borough-based teams to conduct targeted cleanings of litter conditions, illegal dumping, and overflowing litter baskets. Teams will be dispatched based on DSNY field observations, 311 complaints and referrals from other City agencies and community groups.

In addition, DSNY unveiled the design for its new Community Clean-up Van in partnership with the Sanitation Foundation and NYC Service. The van will support neighborhood cleanups across NYC as part of a Citywide Spring Cleanup effort.

Finally, the Administration announced an increase in dedicated litter basket service by more than 100 trucks per week and the restoration of funding for Sunday litter basket service.

## **Mayor de Blasio Appoints Marcos Gonzalez Soler to Head Mayor's Office of Criminal Justice**

Mayor Bill de Blasio this week announced that Marcos Soler will head the Mayor's Office of Criminal Justice.

According to the Mayor, as Director, Soler will oversee citywide criminal justice policy and develop and implement strategies across city agencies and partners to enhance public safety. Soler will play a critical role in implementing the City's police reform plan and also serve as the Mayor's representative to the courts, district attorneys, and state criminal justice agencies, among others.

Solar has served as Chief of Staff at the Mayor's Office of Criminal Justice since 2015. Before that, Soler was the deputy executive director for policy and strategic initiatives at the Civilian Complaint Review Board. He served as acting executive director from February to April of 2013.

Soler holds a Master's in public policy and management and a Ph.D. in politics from The New School University. He holds several graduate and law degrees from several European universities, including University of Valencia Law School & University of Valencia, the European Academy of Legal theory, the International Institute for the Sociology of Law, and the Spanish National Center for Constitutional Studies.

# Coming Up

## *New York State*

*NYS Senate and NYS Assembly scheduled to return at the call of the respective leaders.*

### *Wednesday April 7th*

*Joint Public Hearing: East Side Access/East Side Tunnel Project Oversight (MTA/Amtrack) on Hospitals, Online (<https://www.nysenate.gov/>), 10:00 a.m.*

*Joint Public Hearing: Diversifying Agriculture and Addressing Food Justice alongside Continuing Inequalities on Our Food Systems, Online (<https://www.zoom.com/>), 1:00 p.m. – 3:00 p.m.*

## *New York City*

### *Monday April 5th*

*Subcommittee on Zoning and Franchises, (Virtual Room #1), 10:00 a.m.*

*Subcommittee on Capital Budget, Remote Hearing (Virtual Room #2), 11:00 a.m.*

### *Tuesday April 6th*

*Committee on Mental Health, Disabilities, and Addiction, Remote Hearing (Virtual Room #2), 10:00 a.m.*

*Subcommittee on Landmarks, Public Sitings, and Dispositions, (Virtual Room #1), 2:00 p.m.*

### *Wednesday April 7th*

*Committee on Aging, Remote Hearing (Virtual Room #1), 10:00 a.m.*

### *Friday April 9th*

*Committee on Higher Education, Remote Hearing (Virtual Room #1), 10:00 a.m.*

*Committee on Small Business, Remote Hearing (Virtual Room #2), 11:00 a.m.*

**“We believe in the ideas of family, mutuality,  
the sharing of benefits and burdens  
for the good of all, feeling one another’s pain,  
sharing one another’s blessing  
recognizing that at the heart of the matter  
we are bound to each other.”  
-Mario M. Cuomo-**

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