

Marijuana Legalization in NY Could Come Later Than Hoped, Lawmakers Say – New York Law Journal – Elizabeth S. Kase Quoted

What was previously thought to be an issue that could be resolved by the end of March, when the state budget is due, could now be dealt with later during this year's legislative session, which ends in June.

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The timeline for legalizing marijuana for recreational, adult use in New York became unclear this week after Assembly Speaker Carl Heastie, D-Bronx, and Gov. Andrew Cuomo, a fellow Democrat, differed on how quickly they could come to a resolution on the issue.

What was previously thought to be an issue that could be resolved by the end of March, when the state budget is due, could now be dealt with later during this year's legislative session, which ends in June.

Cuomo said during a radio interview on Friday that he still sees a path for an agreement on legalization over the next two months, but that he's open to dealing with the issue after the budget is done if it comes to that.

"Six weeks, in this business, it's a long period of time and I think we've tackled harder, but it does have to be done right and if it can't be done right, we'll do it afterwards," Cuomo said.

His position was in response to comments made on Thursday by Heastie, who told reporters that lawmakers may not have enough time to deal with marijuana before the budget is due. There are a host of other issues, such as upgrading the mass transit system in New York City, that are also expected to be contentious in the coming months.

Heastie took to Twitter to explain his position after advocates for marijuana legalization expressed concern over pushing legalization further down the road.

"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 acknowledgement of the commitment to get this done," Heastie tweeted.

The delay would, in theory, not be a long one. Heastie and Cuomo have agreed that marijuana legalization should happen this year, especially with states around New York also considering the change or already implementing it. Massachusetts has legalized the drug for recreational use and Pennsylvania and New Jersey are considering it this year.

There are a slew of differences between the proposals for marijuana legalization from Cuomo and the Legislature, many of which concern who would be allowed to sell the drug for recreational use and how the new law would benefit those previously convicted of low-level drug charges. Cuomo's proposal, for example, would allow medical marijuana companies to enter the recreational market. The Legislature's

bill would not.

That's among the many details that still have to be worked out between Cuomo and lawmakers. Elizabeth Kase, a partner at Abrams Fensterman in Manhattan and co-chairwoman of the firm's medical marijuana law group, said the state is more likely to have a better program if it takes the time needed to consider all options.

"Based on what we've seen play out in other states and how local authorities here in New York, including townships and law enforcement, are already pushing back, I believe a reasoned and measured approach to legalization has a lot of merit," Kase said. "The state needs to make sure its matrix is sound and that all the nuances are thought through before codifying a legalization framework. Otherwise, I could foresee a chaotic and uncertain implementation playing out."

Among those nuances are changes to the state's laws dealing with law enforcement and criminal records. Lawmakers and attorneys have already raised concerns over road safety after legalization, since there's currently no easy way for standard law enforcement officers to confirm when someone is intoxicated by the drug. The agreement is also expected to address the sealing of records for some low-level marijuana offenses.

The state budget is due by the end of March, after which lawmakers will have three more months to wrap up any unresolved issues before the legislative session is set to end on June 19.