

DRAFT LBDC

A BUDGET BILL submitted by the Governor  
in accordance with Article VII of the Constitution

AN ACT to amend the cannabis law, the administrative code of the city of New York, the county law, the penal law, and the real property actions and proceedings law, in relation to providing additional enforcement powers to localities and the office of cannabis management (Part G);

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1

## PART G

2 Section 1. Section 8 of the cannabis law is amended to read as  
3 follows:

4 § 8. Establishment of an office of cannabis management. There is here-  
5 by established, within the division of alcoholic beverage control, an  
6 independent office of cannabis management, which shall have exclusive  
7 jurisdiction to exercise the powers and duties provided by this chapter,  
8 except as expressly authorized in sections sixteen-a of this article and  
9 one hundred thirty-one of this chapter. The office shall exercise its  
10 authority by and through an executive director.

11 § 2. Subdivision 8 of section 10 of the cannabis law, as amended by  
12 section 9 of part UU of chapter 56 of the laws of 2023, is amended to  
13 read as follows:

14 8. To conduct regulatory inspections [during normal business hours] of  
15 any place of business, including a vehicle used for such business, where  
16 medical cannabis, adult-use cannabis, cannabis, cannabis product, canna-  
17 binoid hemp, hemp extract products, or any products marketed or labeled

1 as such, are cultivated, processed, stored, distributed or sold by any  
2 person holding a registration, license, or permit under this chapter, or  
3 by any person who is engaging in activity for which a license would be  
4 required under this chapter. For the purposes of this subdivision,  
5 "place of business" shall not include a residence or other real property  
6 not otherwise held out as open to the public or otherwise being utilized  
7 in a business or commercial manner or any private vehicle on or about  
8 the same such property, unless probable cause exists to believe that  
9 such residence, real property, or vehicle are being used in such busi-  
10 ness or commercial manner for the activity described herein.

11 § 3. Subdivisions 3 and 5 of section 11 of the cannabis law, as  
12 amended by section 10 of part UU of chapter 56 of the laws of 2023, are  
13 amended to read as follows:

14 3. To conduct regulatory inspections [during normal business hours] of  
15 any place of business, including a vehicle used for such business, where  
16 cannabis, cannabis product, cannabinoid hemp, hemp extract products, or  
17 any products marketed or labeled as such, are cultivated, processed,  
18 manufactured, distributed, stored, or sold, irrespective of whether a  
19 registration, license, or permit has been issued under this chapter. For  
20 the purposes of this subdivision, "place of business" shall not include  
21 a residence or other real property not otherwise held out as open to the  
22 public or otherwise being utilized in a business or commercial manner or  
23 any private vehicle on or about the same such property, unless probable  
24 cause exists to believe that such residence, real property, or vehicle  
25 are being used in such business or commercial manner for the activity  
26 described herein.

27 5. To conduct regulatory inspections [during normal business hours] of  
28 any registered, licensed or permitted place of business, including a

1 vehicle used for such business, where medical cannabis, adult-use canna-  
2 bis, cannabinoid hemp, hemp extract products, or any products marketed  
3 or labeled as such, are cultivated, processed, stored, distributed or  
4 sold. For the purposes of this subdivision, "place of business" shall  
5 not include a residence or other real property not otherwise held out as  
6 open to the public or otherwise being utilized in a business or commer-  
7 cial manner or any private vehicle on or about the same such property,  
8 unless probable cause exists to believe that such residence, real prop-  
9 erty, or vehicle are being used in such business or commercial manner  
10 for the activity described herein.

11 § 4. Section 16 of the cannabis law is amended by adding a new subdi-  
12 vision 7 to read as follows:

13 7. Any request for a temporary closing order or a temporary restrain-  
14 ing order to be issued without notice in connection with an action or  
15 proceeding brought pursuant to this section or section sixteen-a of this  
16 article or section one hundred thirty-eight-a of this chapter may be  
17 filed under temporary seal pending order of the court granting or refus-  
18 ing a preliminary injunction and until further order of the court, and  
19 the clerk shall provide a sealed index number upon request of the office  
20 or the attorney general. If temporary sealing cannot be implemented via  
21 the court's electronic filing system, such action or proceeding shall be  
22 permitted by the court to be filed through hard copy.

23 § 5. Section 16-a of the cannabis law, as added by section 12 of part  
24 UU of chapter 56 of the laws of 2023, is amended to read as follows:

25 § 16-a. Emergency relief. Following service of [a notice of violation  
26 and] an order issued by the office of cannabis management requiring  
27 immediate cessation of unlicensed activity under this chapter, by a  
28 local government pursuant to a local law authorized by section one

1 hundred thirty-one of this chapter or pursuant to an order issued under  
2 section 7-552 of the administrative code of the city of New York, the  
3 office of cannabis management, or the attorney general, at the request  
4 of and on behalf of the office, or any county attorney, corporation  
5 counsel, or local government authorized pursuant to subdivision eight of  
6 this section to bring and maintain a civil proceeding in accordance with  
7 the procedures set forth in this section, may bring and maintain a civil  
8 proceeding in the supreme court of the county in which the building or  
9 premises is located to permanently enjoin such unlicensed activity when  
10 conducted, maintained, or permitted in such building or premises, occu-  
11 pied as a place of business as described in subdivision eight of section  
12 ten of this chapter, in violation of subdivision one or one-a of section  
13 one hundred twenty-five of this chapter or subdivision eight of section  
14 one hundred thirty-two of this chapter, which shall constitute an unli-  
15 censed activity that presents a danger to the public health, safety, and  
16 welfare, and shall also enjoin the person or persons conducting or main-  
17 taining such unlicensed activity, in accordance with the following  
18 procedures:

19 1. Proceeding for permanent injunction. (a) To the extent known, the  
20 owner, lessor, and lessee of a building or premises wherein the unli-  
21 censed activity is being conducted, maintained, or permitted shall be  
22 made defendants in the proceeding. The venue of such proceeding shall be  
23 in the county where the unlicensed activity is being conducted, main-  
24 tained, or permitted or in any venue where a respondent is located. The  
25 existence of an adequate remedy at law shall not prevent the granting of  
26 temporary or permanent relief pursuant to this section.

27 (b) The proceeding shall name as defendants the building or premises  
28 wherein the unlicensed activity is being conducted, maintained, or

1 permitted, by describing it by tax lot and street address and at least  
2 one of the owners of some part of or interest in the property.

3 (c) In rem jurisdiction shall be complete over the building or prem-  
4 ises wherein the unlicensed activity is being conducted, maintained, or  
5 permitted by affixing the notice of petition or order to show cause to  
6 the door of the building or premises and by mailing the notice of peti-  
7 tion or order to show cause by certified or registered mail, return  
8 receipt requested, to one of the owners of some part of or interest in  
9 the property. Proof of service shall be filed within two days thereafter  
10 with the clerk of the court designated in the notice of petition or as  
11 set by the court in the order to show cause. In any county where e-fil-  
12 ing is unavailable, proof of service may be mailed to the clerk. Service  
13 shall be complete upon such filing or mailing.

14 (d) Defendants, other than the building or premises wherein the unli-  
15 censed activity is being conducted, maintained, or permitted, shall be  
16 served with the notice of petition or order to show cause as provided in  
17 the civil practice law and rules or pursuant to court order. No more  
18 than thirty days prior to such service, the office shall mail a copy, by  
19 certified mail, of any [prior notice of violation or letter or] order to  
20 cease and desist relating to the unlicensed activity at the building or  
21 premises to the person in whose name the real estate affected by the  
22 proceeding is recorded in the office of the city register or the county  
23 clerk, as the case may be, who shall be presumed to be the owner there-  
24 of. Such mailing shall constitute notice to the owner and shall be  
25 deemed to be complete upon such mailing by the office as provided above.  
26 No more than fifteen days prior to such service, the office, [or] the  
27 attorney general, at the request of and on behalf of the office of  
28 cannabis management, or any local government authorized pursuant to

1 subdivision eight of this section shall verify the ongoing occupancy of  
2 any natural person who is a tenant of record and alleged to have caused  
3 or permitted the unlicensed activity in the building or premises wherein  
4 the unlicensed activity is alleged to have been conducted, maintained,  
5 or permitted. [If at any time such defendants vacate such building or  
6 premises, any action or proceeding filed in accordance with these proce-  
7 dures relating to such building or premises shall be withdrawn.]

8 (e) With respect to any proceeding commenced or to be commenced pursu-  
9 ant to this section by the office of cannabis management or the attorney  
10 general, at the request of and on behalf of the office, may file a  
11 notice of pendency pursuant to the provisions of article sixty-five of  
12 the civil practice law and rules.

13 (f) The person in whose name the real estate affected by the proceed-  
14 ing is recorded in the office of the city register or the county clerk,  
15 as the case may be, shall be presumed to be the owner thereof. Upon  
16 being served in a proceeding under this section, such owner shall, to  
17 the extent known, provide to the office of cannabis management, within  
18 three days, the names of any other owners, lessors and lessees of the  
19 building or premises that is the subject of the proceeding. Thereafter,  
20 such owners, lessors and lessees may be made parties to the proceeding.

21 (g) Whenever there is evidence that a person was the manager, opera-  
22 tor, supervisor or, in any other way, in charge of the premises, at the  
23 time the unlicensed activity was being conducted, maintained, or permit-  
24 ted, such evidence shall be presumptive that [he or she was] they were  
25 an agent or employee of the owner or lessee of the building or premises.

26 (h) A defendant shall furnish to any other party, within five days  
27 after a demand, a verified statement identifying:

1 (i) If the responding party is a natural person, such party's: (1)  
2 full legal name; (2) date of birth; (3) current home or business street  
3 address; and (4) a unique identifying number from: (A) an unexpired  
4 passport; (B) an unexpired state driver's license; or (C) an unexpired  
5 identification card or document issued by a state or local government  
6 agency or tribal authority for the purpose of identification of that  
7 individual;

8 (ii) If the responding party is a partnership, limited liability part-  
9 nership, limited liability company, or other unincorporated association,  
10 including a for profit or not-for-profit membership organization or  
11 club, the information required pursuant to subparagraph (i) of this  
12 paragraph for each of its partners or members, as well as the state or  
13 other jurisdiction of its formation;

14 (iii) If the responding party is a corporation, its state or other  
15 jurisdiction of incorporation, principal place of business, and any  
16 state or other jurisdiction of which that party is a citizen;

17 (iv) If the responding party is not an individual, in addition to any  
18 information provided pursuant to subparagraphs (ii) and (iii) of this  
19 paragraph, and to the extent not previously provided, each beneficial  
20 owner of the responding party by: (1) full legal name; (2) date of  
21 birth; (3) current home or business street address; and (4) a unique  
22 identifying number from: (A) an unexpired passport; (B) an unexpired  
23 state driver's license; or (C) an unexpired identification card or docu-  
24 ment issued by a state or local government agency or tribal authority  
25 for the purpose of identification of that individual. As used in this  
26 subparagraph, the term "beneficial owner" shall have the same meaning as  
27 defined in 31 U.S.C. § 5336(a)(3), as amended, and any regulations  
28 promulgated thereunder.

1     (i) If a finding is made that the defendant has conducted, maintained,  
2 or permitted the unlicensed activity a penalty, to be included in the  
3 judgment, may be awarded in an amount not to exceed ten thousand dollars  
4 for each day it is found that the defendant intentionally conducted,  
5 maintained or permitted the unlicensed activity. With regard to any  
6 defendant conducting the referenced unlicensed activity, any such penal-  
7 ties may be awarded in addition to any penalties that may be imposed  
8 pursuant to section one hundred thirty-two of this chapter. Upon recov-  
9 ery, such penalty shall be paid to the office of cannabis management, or  
10 to the county attorney, corporation counsel, or local government that  
11 has been authorized pursuant to subdivision eight of this section to  
12 bring and maintain a civil proceeding in accordance with the procedures  
13 set forth in this section.

14     2. Preliminary injunction. (a) Pending a proceeding for a permanent  
15 injunction pursuant to this section the court may grant a preliminary  
16 injunction enjoining the unlicensed activity and the person or persons  
17 conducting, maintaining, or permitting the unlicensed activity from  
18 further conducting, maintaining, or permitting the unlicensed activity,  
19 where the public health, safety or welfare immediately requires the  
20 granting of such injunction. A temporary closing order may be granted  
21 pending a hearing for a preliminary injunction where it appears by clear  
22 and convincing evidence that unlicensed activity within the scope of  
23 this section is being conducted, maintained, or permitted and that the  
24 public health, safety or welfare immediately requires the granting of a  
25 temporary closing order. A temporary restraining order may be granted  
26 pending a hearing for a preliminary injunction.

27     (b) A preliminary injunction shall be enforced by the office or, at  
28 the request of the office, the attorney general. At the request of the



1 office, a police officer or peace officer with jurisdiction may also  
2 enforce the preliminary injunction.

3 (c) The office or the attorney general shall show, by affidavit and  
4 such other evidence as may be submitted, that there is a cause of action  
5 for a permanent injunction abating unlicensed activity.

6 3. Temporary closing order. (a) If, on a motion for a preliminary  
7 injunction alleging unlicensed activity as described in this section in  
8 a building or premises used for commercial purposes only, the office or  
9 the attorney general demonstrates by clear and convincing evidence that  
10 such unlicensed activity is being conducted, maintained, or permitted  
11 and that the public health, safety, or welfare immediately requires a  
12 temporary closing order, a temporary order closing such part of the  
13 building or premises wherein such unlicensed activity is being  
14 conducted, maintained, or permitted may be granted without notice, pend-  
15 ing order of the court granting or refusing the preliminary injunction  
16 and until further order of the court. Any such closing order may also  
17 include a preservation order authorizing issuance of subpoenas to third  
18 parties to preserve all off site electronic business records. Upon  
19 granting a temporary closing order, the court shall direct the holding  
20 of a hearing for the preliminary injunction at the earliest possible  
21 time but no later than three business days from the granting of such  
22 order; a decision on the motion for a preliminary injunction shall be  
23 rendered by the court within [three] four business days after the  
24 conclusion of the hearing.

25 (b) Unless the court orders otherwise, a temporary closing order  
26 together with the papers upon which it was based and a notice of hearing  
27 for the preliminary injunction shall be personally served, in the same  
28 manner as a summons as provided in the civil practice law and rules.

1 (c) A temporary closing order shall only be issued prior to a hearing  
2 on a preliminary injunction if the [building or] premises that is the  
3 subject of the closure order is used for commercial purposes only.

4 (d) No temporary closing order shall be issued against any building or  
5 premises where, in addition to the unlicensed activity which is alleged,  
6 activity that is licensed or otherwise lawful remains in place, unless  
7 the licensed or otherwise lawful activity is a de minimis part of the  
8 business. In addition, no temporary closing order shall be issued  
9 against any building or premises which is used in part as residence and  
10 pursuant to local law or ordinance is zoned and lawfully occupied as a  
11 residence.

12 4. Temporary restraining order. (a) If, on a motion for a preliminary  
13 injunction alleging unlicensed activity as described in this section in  
14 a building or premises used for commercial purposes, the office or the  
15 attorney general demonstrates by clear and convincing evidence that such  
16 unlicensed activity is being conducted, maintained, or permitted and  
17 that the public health, safety, or welfare immediately requires a tempo-  
18 rary restraining order, a temporary restraining order may be granted  
19 without notice restraining the defendants and all persons from removing  
20 or in any manner interfering with the furniture, fixtures and movable  
21 property used in conducting, maintaining or permitting such unlicensed  
22 activity, including [adult-use] cannabis, cannabis product, cannabinoid  
23 hemp or hemp extract product, or any product marketed or labeled as such  
24 and from further conducting, maintaining or permitting such unlicensed  
25 activity, pending order of the court granting or refusing the prelimi-  
26 nary injunction and until further order of the court. Any such tempo-  
27 rary restraining order may also include a preservation order authorizing  
28 issuance of subpoenas to third parties to preserve all off site elec-

1 tronic business records. Upon granting a temporary restraining order,  
2 the court shall direct the holding of a hearing for the preliminary  
3 injunction at the earliest possible time but no later than three busi-  
4 ness days from the granting of such order; a decision on the motion for  
5 a preliminary injunction shall be rendered by the court within [three  
6 business] thirty calendar days after the conclusion of the hearing.

7 (b) Unless the court orders otherwise, a temporary restraining order  
8 and the papers upon which it was based and a notice of hearing for the  
9 preliminary injunction shall be personally served, in the same manner as  
10 a summons as provided in the civil practice law and rules, upon any  
11 agent, employee, or other representative of the defendant business pres-  
12 ent at the time the temporary restraining order is effectuated.

13 5. Temporary closing order; temporary restraining order; additional  
14 enforcement procedures. (a) If on a motion for a preliminary injunction,  
15 the office of cannabis management or the attorney general submits  
16 evidence warranting both a temporary closing order and a temporary  
17 restraining order, the court shall grant both orders.

18 (b) Upon the request of the office, any police officer or peace offi-  
19 cer with jurisdiction may assist in the enforcement of a temporary clos-  
20 ing order and temporary restraining order. Any reference to police offi-  
21 cer or peace officer in this subdivision and subdivisions six and seven  
22 of this section shall also include any investigator employed by the  
23 office of the attorney general.

24 (c) The police officer or peace officer serving a temporary closing  
25 order or a temporary restraining order shall forthwith make and return  
26 to the court an inventory of personal property situated in and used in  
27 conducting, maintaining, or permitting the unlicensed activity within  
28 the scope of this chapter and shall enter upon the building or premises

1 for such purpose. Such inventory shall be taken in any manner which is  
2 deemed likely to evidence a true and accurate representation of the  
3 personal property subject to such inventory including, but not limited  
4 to photographing such personal property, except that any cash found on  
5 the premises during such inventory shall be inventoried, seized, and  
6 secured off premises pending further order of the court. Any police  
7 officer or peace officer, or any representative of the office, shall be  
8 permitted to review and copy records.

9 (d) The police officer or peace officer serving a temporary closing  
10 order shall, upon service of the order, command all persons present in  
11 the building or premises to vacate the premises forthwith. Upon the  
12 building or premises being vacated, the premises shall be securely  
13 locked and all keys delivered to the officer serving the order who ther-  
14 eafter [shall] may deliver the keys to the fee owner, lessor, or lessee  
15 of the building or premises involved. If the fee owner, lessor, or  
16 lessee is not at the building or premises when the order is being  
17 executed, the officer shall securely padlock the premises and retain the  
18 keys until the fee owner, lessor, or lessee of the building is ascer-  
19 tained, in which event, the officer [shall] may deliver the keys to such  
20 owner, lessor, or lessee or retain them pending further order of the  
21 court.

22 (e) Upon service of a temporary closing order or a temporary restrain-  
23 ing order, the police officer or peace officer shall post a copy thereof  
24 in a conspicuous place or upon one or more of the principal doors at  
25 entrances of such premises where the unlicensed activity is being  
26 conducted, maintained, or permitted. In addition, where a temporary  
27 closing order has been granted, the officer shall affix, in a conspicu-  
28 ous place or upon one or more of the principal doors at entrances of

1 such premises, a printed notice that the premises have been closed by  
2 court order, which notice shall contain the legend "closed by court  
3 order" in block lettering of sufficient size to be observed by anyone  
4 intending or likely to enter the premises, the date of the order, the  
5 court from which issued, and the name of the officer or agency posting  
6 the notice. In addition, where a temporary restraining order has been  
7 granted, the police officer or peace officer shall affix, in the same  
8 manner, a notice similar to the notice provided for in relation to a  
9 temporary closing order except that the notice shall state that certain  
10 described activity is prohibited by court order and that removal of  
11 property is prohibited by court order. Mutilation or removal of such a  
12 posted order or such a posted notice while it remains in force, in addi-  
13 tion to any other punishment prescribed by law, shall be punishable, on  
14 conviction, by a fine of not more than five thousand dollars or by  
15 imprisonment not exceeding ninety days, or by both, provided such order  
16 or notice contains therein a notice of such penalty. Any police officer  
17 or peace officer with jurisdiction may, upon the request of the office,  
18 assist in the enforcement of this section.

19 6. Temporary closing order; temporary restraining order; defendant's  
20 remedies. (a) A temporary closing order or a temporary restraining order  
21 [shall] may be vacated, upon notice to the office and to any county  
22 attorney, corporation counsel, or local government that may have been  
23 authorized pursuant to subdivision eight of this section to bring and  
24 maintain the proceeding in accordance with the procedures set forth in  
25 this section, if [the] a defendant who is the fee owner, lessor, or  
26 lessee of the building or premises shows by affidavit and such other  
27 proof as may be submitted that the unlicensed activity within the scope  
28 of this chapter has been abated and that they are also not affiliated

1 with the person who is conducting the unlicensed activity. An order  
2 vacating a temporary closing order or a temporary restraining order  
3 shall include a provision authorizing the office, or any county attor-  
4 ney, corporation counsel, or local government, as applicable, to inspect  
5 the building or premises which is the subject of a proceeding pursuant  
6 to this subdivision, periodically without notice, during the pendency of  
7 the proceeding for the purpose of ascertaining whether or not the unli-  
8 censed activity has been resumed. Any police officer or peace officer  
9 with jurisdiction may, upon the request of the office, assist in the  
10 enforcement of an inspection provision of an order vacating a temporary  
11 closing order or temporary restraining order.

12 (b) A temporary closing order or a temporary restraining order may be  
13 vacated by the court, upon notice to the office, or any county attorney,  
14 corporation counsel, or local government, as applicable, when [the] a  
15 defendant entitled to request vacatur pursuant to paragraph (a) of this  
16 subdivision gives an undertaking and the court is satisfied that the  
17 public health, safety, or welfare will be protected adequately during  
18 the pendency of the proceeding. The undertaking shall be in an amount  
19 equal to the assessed valuation of the building or premises where the  
20 unlicensed activity is being conducted, maintained, or permitted or in  
21 such other amount as may be fixed by the court. The defendant shall pay  
22 to the office and the attorney general, in the event a judgment of  
23 permanent injunction is obtained, their actual costs, expenses and  
24 disbursements in bringing and maintaining the proceeding. In addition,  
25 the defendant shall pay to the local government or law enforcement agen-  
26 cy that provided assistance in enforcing any order of the court issued  
27 pursuant to a proceeding brought under this section, its actual costs,

1 expenses and disbursements in assisting with the enforcement of the  
2 proceeding.

3 7. Permanent injunction. (a) A judgment awarding a permanent injunc-  
4 tion pursuant to this chapter shall direct that any illicit cannabis,  
5 cannabis product, cannabinoid hemp or hemp extract product, or any prod-  
6 uct marketed or labeled as such seized shall be turned over to the  
7 office of cannabis management or their authorized representative. The  
8 judgment may further direct any police officer or peace officer with  
9 jurisdiction to seize and remove from the building or premises all mate-  
10 rial, equipment, and instrumentalities used in the creation and mainte-  
11 nance of the unlicensed activity and shall direct the sale by the sher-  
12 iff of any such property in the manner provided for the sale of personal  
13 property under execution pursuant to the provisions of the civil prac-  
14 tice law and rules, if the estimated value of the property exceeds the  
15 estimated lawful expenses of such sale, or the disposal of the property  
16 if the estimated value of the property does not exceed the estimated  
17 lawful expenses of such sale. The net proceeds of any such sale, after  
18 deduction of the lawful expenses involved, shall be paid to the general  
19 fund of the state.

20 (b) A judgment awarding a permanent injunction pursuant to this chap-  
21 ter may direct the closing of the building or premises by any police  
22 officer or peace officer with jurisdiction to the extent necessary to  
23 abate the unlicensed activity and shall direct any police officer or  
24 peace officer with jurisdiction to post a copy of the judgment and a  
25 printed notice of such closing conforming to the requirements of this  
26 chapter. The closing directed by the judgment shall be for such period  
27 as the court may direct but in no event shall the closing be for a peri-  
28 od of more than one year from the posting of the judgment provided for

1 in this section. If the owner shall file a bond in the value of the  
2 property ordered to be closed and submits proof to the court that the  
3 unlicensed activity has been abated and will not be created, maintained,  
4 or permitted for such period of time as the building or premises has  
5 been directed to be closed in the judgment, and also submits proof that  
6 they are also not affiliated with the person who is conducting the unli-  
7 censed activity, the court may vacate the provisions of the judgment  
8 that direct the closing of the building or premises. A closing by a  
9 police officer or peace officer with jurisdiction pursuant to the  
10 provisions of this section shall not constitute an act of possession,  
11 ownership, or control by such police officer or peace officer of the  
12 closed premises.

13 (c) Upon the request of the office of cannabis management or its  
14 authorized representative, or any county attorney, corporation counsel,  
15 or local government authorized pursuant to subdivision eight of this  
16 section to bring and maintain a civil proceeding in accordance with the  
17 procedures set forth in this section, any police officer or peace offi-  
18 cer with jurisdiction may assist in the enforcement of a judgment award-  
19 ing a permanent injunction entered in a proceeding brought pursuant to  
20 this chapter.

21 (d) A judgment rendered awarding a permanent injunction pursuant to  
22 this chapter shall be and become a lien upon the building or premises  
23 named in the petition in such proceeding, such lien to date from the  
24 time of filing a notice of lis pendens in the office of the clerk of the  
25 county wherein the building or premises is located. Every such lien  
26 shall have priority before any mortgage or other lien that exists prior  
27 to such filing except tax and assessment liens.



1 (e) A judgment awarding a permanent injunction pursuant to this chap-  
2 ter shall provide, in addition to the costs and disbursements allowed by  
3 the civil practice law and rules, upon satisfactory proof by affidavit  
4 or such other evidence as may be submitted, the actual costs, expenses  
5 and disbursements of the office and the attorney general, or of any  
6 county attorney, corporation counsel, or local government authorized  
7 pursuant to subdivision eight of this section to bring and maintain a  
8 civil proceeding in accordance with the procedures set forth in this  
9 section, in bringing and maintaining the proceeding.

10 8. Civil proceedings. In addition to the authority granted in this  
11 section to the office of cannabis management and the attorney general,  
12 any county attorney, corporation counsel, or local government in which  
13 such building or premises is located may, seven days or more after  
14 providing notice to the office of cannabis management [grants permission  
15 in writing], bring and maintain a civil proceeding in the supreme court  
16 of the county in which the building or premises is located to permanent-  
17 ly enjoin the unlicensed activity described in this section and the  
18 person or persons conducting or maintaining such unlicensed activity, in  
19 accordance with the procedures set forth in this section. The office  
20 shall be permitted to intervene as of right in any such proceeding. Any  
21 such governmental entity which obtains a permanent injunction pursuant  
22 to this chapter shall be awarded, in addition to the costs and disburse-  
23 ments allowed by the civil practice law and rules, upon satisfactory  
24 proof by affidavit or such other evidence as may be submitted, any  
25 penalties awarded pursuant to paragraph (i) of subdivision one or para-  
26 graph (e) of subdivision five of this section and the actual costs,  
27 expenses and disbursements in bringing and maintaining the proceeding.  
28 The authority provided by this subdivision shall be in addition to, and

1 shall not be deemed to diminish or reduce, any rights of the parties  
2 described in this section [under existing law] for any violation pursu-  
3 ant to this chapter or any other law.

4 § 6. Subdivision 3 of section 17 of the cannabis law, as amended by  
5 section 13 of part UU of chapter 56 of the laws of 2023, is amended to  
6 read as follows:

7 3. Notice and right of hearing as provided in the state administrative  
8 procedure act shall be served at least fifteen days prior to the date of  
9 the hearing, provided that, whenever because of danger to the public  
10 health, safety or welfare it appears prejudicial to the interests of the  
11 people of the state to delay action for fifteen days or with respect to  
12 a violation of subdivision one or one-a of section one hundred twenty-  
13 five of this chapter, the board may serve the respondent with an order  
14 requiring certain action [or], the cessation of certain activities, or  
15 the sealing of a premises immediately or within a specified period of  
16 less than fifteen days, in accordance with the provisions of this chap-  
17 ter. Whenever a notice of violation or order has been served, including  
18 an order to seal, the respondent shall be provided an opportunity to  
19 request a hearing pursuant to the procedures established by the office  
20 and in accordance with the state administrative procedure act and the  
21 provisions of this chapter.

22 § 7. Subdivisions 5, 6, 7 and 8 of section 17 of the cannabis law are  
23 renumbered subdivisions 7, 8, 9 and 10 and two new subdivisions 5 and 6  
24 are added to read as follows:

25 5. Upon a demand by the office, a respondent shall furnish to the  
26 office, within five days after a demand, or sooner if the hearing is  
27 scheduled less than five days from the date of demand, a verified state-  
28 ment setting forth:

1 (a) If the respondent is a natural person, the respondent's: (i) full  
2 legal name; (ii) date of birth; (iii) current home or business street  
3 address; and (iv) a unique identifying number from: (1) an unexpired  
4 passport; (2) an unexpired state driver's license; or (3) an unexpired  
5 identification card or document issued by a state or local government  
6 agency or tribal authority for the purpose of identification of that  
7 individual;

8 (b) If the respondent is a partnership, limited liability partnership,  
9 limited liability company, or other unincorporated association, includ-  
10 ing a for profit or not-for-profit membership organization or club, the  
11 information required pursuant to paragraph (a) of this subdivision for  
12 all of its partners or members, as well as the state or other jurisdic-  
13 tion of its formation;

14 (c) If the respondent is a corporation, its state or other jurisdic-  
15 tion of incorporation, principal place of business, and any state or  
16 other jurisdiction of which the respondent is a citizen;

17 (d) If the respondent is not an individual, in addition to any infor-  
18 mation provided pursuant to paragraphs (b) and (c) of this subdivision,  
19 and to the extent not previously provided, each beneficial owner of the  
20 respondent by: (i) full legal name; (ii) date of birth; (iii) current  
21 home or business street address; and (iv) a unique identifying number  
22 from: (1) an unexpired passport; (2) an unexpired state driver's  
23 license; or (3) an unexpired identification card or document issued by a  
24 state or local government agency or tribal authority for the purpose of  
25 identification of that individual. As used in this section, the term  
26 "beneficial owner" shall have the same meaning as defined in 31 U.S.C. §  
27 5336(a)(3), as amended, and any regulations promulgated thereunder.

1 6. Prior to a hearing, the office may, at its discretion, request a  
2 stay of any proceeding and the board or those designated by them shall  
3 grant such request. The initiation of any action, by or on behalf of the  
4 office, in state or federal court on matters directly or indirectly  
5 related to the subject of any pending administrative proceeding shall,  
6 upon a request by the office, provide sufficient basis for an immediate  
7 stay of such administrative proceeding.

8 § 8. Subdivision 8 of section 17 of the cannabis law, as amended by  
9 section 13 of part UU of chapter 56 of the laws of 2023, and as renum-  
10 bered by section seven of this act, is amended to read as follows:

11 8. Following a hearing, the board may make appropriate determinations  
12 and issue a final order in accordance therewith. Any such order may  
13 include financial penalties as well as injunctive relief, including an  
14 order to seal a premises in accordance with section one hundred thirty-  
15 eight-b of this chapter. The respondent and the office shall have thirty  
16 days to submit a written appeal to the board. If [the respondent does  
17 not] any party fails to submit a written appeal within thirty days of  
18 the determination of the board the order shall be final.

19 § 9. Subdivision 1 of section 125 of the cannabis law is amended and a  
20 new subdivision 1-b is added to read as follows:

21 1. No person shall cultivate, process, distribute for sale or sell at  
22 wholesale or retail or deliver to consumers any cannabis, cannabis prod-  
23 uct, medical cannabis or cannabinoid hemp or hemp extract product, or  
24 any product marketed or labeled as such, within the state without  
25 obtaining the appropriate registration, license, or permit therefor  
26 required by this chapter unless otherwise authorized by law.

27 1-b. Any activity conducted in violation of subdivision one or one-a  
28 of this section presents a danger to public health, safety, and welfare.

1 § 10. Section 131 of the cannabis law is amended by adding a new  
2 subdivision 3 to read as follows:

3 3. (a) As used in this subdivision and for purposes of any local law  
4 adopted pursuant to it, the following terms shall have the following  
5 meanings: "person" shall have the meaning provided for in subdivision  
6 forty-a of section three of this chapter; "unlicensed activity" shall  
7 refer only to unlawfully selling cannabis, cannabis product, or any  
8 product marketed or labeled as such without obtaining the appropriate  
9 registration, license, or permit therefor, or engaging in an indirect  
10 retail sale; "indirect retail sale" shall have the meaning provided for  
11 in subdivision forty-six-a of section three of this chapter, except that  
12 it shall not include cannabinoid hemp or hemp extract product; "place of  
13 business" shall not include a residence or other real property not  
14 otherwise held out as open to the public or otherwise being utilized in  
15 a business or commercial manner, or any vehicle associated with the  
16 business, unless probable cause exists to believe that such residence,  
17 real property, or vehicle, is being used in such business or commercial  
18 manner for the unlicensed activity.

19 (b) Any county or city may adopt a local law authorizing an officer or  
20 agency to conduct regulatory inspections of any place of business  
21 located within the county or city, including a vehicle used for such  
22 business, not listed on the directory maintained by the office pursuant  
23 to subdivision thirteen of section eleven of this chapter. Any such  
24 regulatory inspection shall only occur during the operating hours of a  
25 place of business and be conducted for purposes of civil administrative  
26 enforcement with respect to premises lacking applicable registrations,  
27 licenses or permits issued pursuant to this chapter, and in furtherance  
28 of its purposes, provided that nothing herein shall limit any enforce-

1 ment action under law when illegal activity is observed or occurs during  
2 such inspection.

3 (c) A local law adopted by a county authorizing regulatory inspections  
4 shall not apply in any city included within the boundaries of such coun-  
5 ty that adopts a local law authorizing regulatory inspections within  
6 such city.

7 (d) The local law adopted by a county or a city pursuant to this  
8 subdivision shall also:

9 (i) require procedures sufficient to ensure that any regulatory  
10 inspections are conducted in a reasonable manner, are administrative in  
11 nature, designed to detect administrative violations, in furtherance of  
12 the regulatory scheme established pursuant to this section, and designed  
13 to guarantee certainty and regularity of application;

14 (ii) designate a local official who shall serve as the liaison to the  
15 office and who shall: (1) be required to ensure that updates to the  
16 directory are immediately incorporated into the local inspection proc-  
17 ess, coordinate with the office on efforts to inspect such unlicensed  
18 businesses and related local enforcement efforts; (2) send bi-weekly  
19 reports to the office in a manner and format prescribed by the office  
20 detailing recent enforcement efforts, including information regarding  
21 the number and location of inspections conducted, notices of violation  
22 issued, and orders to seal issued and executed, and the amount and  
23 nature of the cannabis, cannabis products, or products marketed as such  
24 seized; and (3) serve as the primary contact for the office in  
25 connection with the office's training program and the sharing of materi-  
26 als made available to counties and cities with regard to the inspection  
27 and enforcement of unlicensed cannabis businesses;

1 (iii) be filed with the office, as well as any procedures or regu-  
2 lations promulgated pursuant to the local law. Notwithstanding the  
3 effective date of any such local law, the local law shall not become  
4 effective until ten days after it is filed with the office;

5 (iv) establish a system for receiving complaints of such unlicensed  
6 activity by any business within the county or city, as the case may be;

7 (v) provide that any person who engages in the unlawful sale of canna-  
8 bis, cannabis product, or any product marketed or labeled as such, or in  
9 indirect retail sales, shall be subject to a civil penalty of not less  
10 than one hundred dollars and not more than ten thousand dollars for each  
11 day during which such violation continues, with a maximum penalty of no  
12 more than twenty-five thousand dollars. The penalty provided for in this  
13 subparagraph may be recovered by an action or proceeding in a court of  
14 competent jurisdiction brought by the county or city to enforce the  
15 notice of violation referred to in clause one of subparagraph (vi) of  
16 this paragraph; and

17 (vi) provide that the officer or agency designated to conduct regula-  
18 tory inspections of any place of business not listed on the directory  
19 maintained by the office shall have the authority to:

20 (1) issue a notice of violation and order to cease unlicensed activity  
21 setting forth the nature of the unlawful conduct along with any fines or  
22 penalties for such conduct in amounts not to exceed the fines set forth  
23 in subparagraph (v) of this paragraph and order any person who is unlaw-  
24 fully selling cannabis, cannabis product, or any product marketed or  
25 labeled as such without obtaining the appropriate registration, license,  
26 or permit therefor, or engaging in indirect retail sale, to cease such  
27 prohibited conduct, provided that any such notice of violation and order  
28 to cease unlicensed activity may only be issued against the business

1 that is conducting the unlicensed activity or an individual owner of the  
2 business. Any notice of violation and order to cease unlicensed activity  
3 shall be served by delivery of the order to the owner of the business or  
4 other person of suitable age or discretion in actual or apparent control  
5 of the premises at the time of the inspection and shall be posted at the  
6 building or premises that have been sealed, secured and closed. A copy  
7 of the order shall also be mailed to any address for the owner of the  
8 business at any address provided by the person to whom such order was  
9 delivered pursuant to this paragraph;

10 (2) seize any cannabis, cannabis product, or any product marketed or  
11 labeled as such, found in the possession of a person engaged in the  
12 conduct described in clause one of this subparagraph and in their place  
13 of business, including a vehicle used for such business, providing that  
14 the business that is conducting the unlicensed activity or an individual  
15 owner of the business, maintain documentation of the chain of custody of  
16 such seized products, and ensure that such products are properly stored,  
17 catalogued, and safeguarded until such time as they may properly be  
18 destroyed by the county or the city;

19 (3) issue an order to seal the building or premises of any business  
20 engaged in unlicensed activity, when such activity is conducted, main-  
21 tained, or permitted in such building or premises, occupied as a place  
22 of business subject to the procedures and requirements set forth in this  
23 subparagraph:

24 A. The officer or agency may issue an order to seal with an immediate  
25 effective date if such order is based upon a finding by the officer or  
26 agency of an imminent threat to the public health, safety, and welfare.

27 B. Any order to seal shall be served by delivery of the order to the  
28 owner of the business or other person of suitable age or discretion in



1 actual or apparent control of the premises at the time of the inspection  
2 and shall be posted at the building or premises that have been sealed,  
3 secured and closed. A copy of the order shall also be mailed to any  
4 address for the owner of the business provided by the person to whom  
5 such order was delivered pursuant to this paragraph. The order shall  
6 remain in effect pending a hearing and final determination of a court,  
7 or until such order is vacated by the officer or agency pursuant to the  
8 local law adopted pursuant to this subdivision. An order to seal shall  
9 explicitly state that a request for a hearing may be submitted in writ-  
10 ing to the corporation counsel or to the county attorney as applicable  
11 within seven days. Upon receiving such a request for a hearing, the  
12 corporation counsel or county attorney shall file a copy of the request  
13 with the clerk of the city court or county court in the city or county  
14 where the building or premises is located.

15 C. The court that receives notice of a request for a hearing from a  
16 corporation counsel or a county attorney shall fix the date of such  
17 hearing no later than three business days from the date such notice is  
18 received by the court and provide notice to the parties of the date,  
19 time, and location of the hearing. Upon such date, or upon such other  
20 date to which the proceeding may be adjourned by agreement of the  
21 parties, the court shall hear testimony and receive evidence presented  
22 by the parties. The city or county, as applicable, and the person that  
23 requested the hearing shall be parties to the proceeding. Within four  
24 business days of the conclusion of the hearing, the court shall make a  
25 determination as to: (i) whether the person upon which the order to seal  
26 was issued was engaged in unlicensed activity, (ii) if the person is  
27 found to have engaged in unlicensed activity, then whether such unli-  
28 censed activity presents an imminent threat to public health, safety and

1 welfare according to subdivision four of section one hundred thirty-  
2 eight-b of this article, and (iii) whether the unlicensed activity as  
3 described in this section is more than a de minimis part of the business  
4 activity on the premises or in the building to be sealed pursuant to  
5 the order. However, when an order to seal has been issued upon a second  
6 or subsequent inspection in which unlicensed activity is confirmed to be  
7 continuing more than ten calendar days after a notice of violation and  
8 order to cease unlicensed activity was previously issued, the court need  
9 only determine: (i) whether the person upon which the order to seal was  
10 issued was engaged in unlicensed activity; (ii) whether a notice of  
11 violation and order to cease unlicensed activity had been issued eleven  
12 or more days prior to the issuance of the order to seal; and (iii)  
13 whether the order to seal was issued in compliance with paragraph (a) of  
14 subdivision six of section one hundred thirty-eight-b of this article.  
15 If the court determines that an order to seal was not properly issued,  
16 the court shall vacate such order. If the court is satisfied that an  
17 order to seal was properly issued, the court may render a judgment  
18 affirming the issuance of an order to seal, and direct the closing of  
19 the building or premises by any police officer or peace officer with  
20 jurisdiction to the extent necessary to abate the unlicensed activity  
21 and shall direct any police officer or peace officer with jurisdiction  
22 to post a copy of the judgment and a printed notice of such closing  
23 conforming to the requirements of this chapter. The closing directed by  
24 the judgment shall be for such period as the court may direct but in no  
25 event shall the closing be for a period of more than one year from the  
26 posting of the judgment provided for in this section. Failure of a party  
27 that requested a hearing to appear at the hearing will result in a  
28 default and order of sealing to remain in effect for such period as the

1 court may direct but in no event shall the order be in effect for a  
2 period of more than one year from the posting of the judgment unless  
3 otherwise vacated pursuant to the local law adopted pursuant to this  
4 subdivision.

5 D. The local law adopted pursuant to this subdivision shall include,  
6 without alteration the provisions of subdivisions four through twelve of  
7 section one hundred thirty-eight-b of this article. Any provisions  
8 adopted by a local law to the contrary shall be considered specifically  
9 preempted by this paragraph, provided however that a county or city  
10 shall be permitted to substitute the officer or agency authorized by the  
11 county or city to conduct regulatory inspections pursuant to this  
12 subsection for any reference to the office or board;

13 (4) seek injunctive relief against any person engaging in conduct in  
14 violation of this section, including through an action pursuant to  
15 section sixteen-a of this chapter.

16 (e) Upon a demand by the county or city, a respondent or defendant  
17 shall provide to the county or city prior to a hearing pursuant to  
18 subparagraph (v) of paragraph (d) of this subdivision or an order to  
19 seal pursuant to clause three of subparagraph (vi) of paragraph (d) of  
20 this subdivision, within five days after a demand or sooner if a hearing  
21 is scheduled less than five days from the date of demand, a verified  
22 statement setting forth:

23 (i) If the responding party is a natural person, such party's: (1)  
24 full legal name; (2) date of birth; (3) current home or business  
25 street address; and (4) a unique identifying number from: (A) an unex-  
26 pired passport; (B) an unexpired state driver's license; or (C) an unex-  
27 pired identification card or document issued by a state or local govern-

1 ment agency or tribal authority for the purpose of identification of  
2 that individual;

3 (ii) If the responding party is a partnership, limited liability part-  
4 nership, limited liability company, or other unincorporated association,  
5 including a for profit or not-for-profit membership organization or  
6 club, the information required pursuant to subparagraph (i) of this  
7 paragraph for all of its partners or members, as well as the state or  
8 other jurisdiction of its formation;

9 (iii) If the responding party is a corporation, its state or  
10 other jurisdiction of incorporation, principal place of business,  
11 and any state or other jurisdiction of which that party is a citizen;

12 (iv) If the responding party is not an individual, in addition to  
13 any information provided pursuant to subparagraphs (ii) and (iii) of  
14 this paragraph, and to the extent not previously provided, each benefi-  
15 cial owner of the responding party by: (A) full legal name; (B) date  
16 of birth; (C) current home or business street address; and (D) a unique  
17 identifying number from: (1) an unexpired passport; (2) an unexpired  
18 state driver's license; or (3) an unexpired identification card or  
19 document issued by a state or local government agency or tribal authori-  
20 ty for the purpose of identification of that individual. As used in  
21 this section, the term "beneficial owner" shall have the same meaning as  
22 defined in 31 U.S.C. § 5336(a)(3), as amended, and any regulations  
23 promulgated thereunder.

24 (f) Notwithstanding any provision to the contrary in this section, a  
25 city with a population of more than one million may enforce any  
26 violations, orders to cease, and orders to seal related to unlicensed  
27 activity through an administrative hearing process.

1 § 11. Title 7 of the administrative code of the city of New York is  
2 amended by adding a new chapter 5-A to read as follows:

3 CHAPTER 5-A

4 CANNABIS ENFORCEMENT

5 Section 7-551 Cannabis law violation.

6 7-552 Local authority respecting unlicensed cannabis businesses.

7 7-553 Local authority.

8 § 7-551 Cannabis law violation. a. Any person who engages in any  
9 conduct prohibited by subdivision one or one-a of section one hundred  
10 twenty-five of the cannabis law, except to the extent that such subdivi-  
11 sions apply to cultivation, processing, cannabinoid hemp or hemp extract  
12 products, or subdivision one or eight of section one hundred thirty-two  
13 of the cannabis law, except as to the extent that such subdivisions  
14 shall apply to cultivation, shall be subject to a civil penalty of not  
15 less than one hundred dollars and not more than ten thousand dollars for  
16 each day during which such violation continues, with a maximum penalty  
17 of no more than twenty-five thousand dollars with respect to each civil  
18 summons, provided that any notice of violation and penalty may only be  
19 issued against the business that is conducting the unlicensed activity  
20 or an individual owner of the business. Upon default by reason of fail-  
21 ure to appear on a designated hearing date or a subsequent date follow-  
22 ing an adjournment, the penalty shall be ten thousand dollars with  
23 respect to each civil summons.

24 b. This section may be enforced by the office of the city sheriff.

25 c. Violations of this section may be adjudicated in a proceeding  
26 before the office of administrative trials and hearings pursuant to  
27 chapter forty-five-A of the charter, and may be adjudicated by any divi-  
28 sion or tribunal designated by such office. Any decision of such office

1 imposing a civil penalty, whether the adjudication was had by hearing or  
2 upon default or otherwise, shall constitute a judgment which may be  
3 entered by such office in the civil court of the city of New York or any  
4 other place provided for the entry of civil judgments within the state  
5 and may be enforced without court proceedings in the same manner as the  
6 enforcement of money judgments entered in civil actions; provided,  
7 however, that no such judgment shall be entered which exceeds the sum of  
8 twenty-five thousand dollars, and that the terms and limitations appli-  
9 cable to entry of final orders imposing penalties pursuant to section  
10 one thousand forty-nine-a of the charter shall apply to entry of final  
11 orders imposing penalties pursuant to this subdivision; provided  
12 further, that clause (i) of subparagraph (a) of paragraph two of subdi-  
13 vision d of such section may be utilized in connection with service of  
14 civil summonses notwithstanding any inconsistent provision of such  
15 clause; and provided still further, that such terms and limitations  
16 shall not be deemed conditions upon the service or enforcement of orders  
17 of the office of the city sheriff, or of civil summonses other than as a  
18 condition of entry as judgments pursuant to this subdivision.

19 d. The office of the city sheriff may move to amend any judgment to  
20 designate a judgment debtor by the correct legal name in accordance with  
21 rules promulgated by the office of administrative trials and hearings.

22 e. Prior to a hearing, a respondent shall furnish to the office of the  
23 city sheriff, within five days after a demand, or sooner if practicable  
24 where the hearing is scheduled less than five days from the date of  
25 demand, a verified statement setting forth the information specified in  
26 subdivision five of section seventeen of the cannabis law.

27 f. As used in this section and section 7-552, the following terms  
28 shall have the following meanings: "unlicensed activity" shall refer

1 only to unlawfully selling cannabis, cannabis product, or any product  
2 marketed or labeled as such without obtaining the appropriate registra-  
3 tion, license, or permit therefor, or engaging in an indirect retail  
4 sale; "indirect retail sale" shall have the meaning provided for in  
5 subdivision forty-six-a of section three of the cannabis law, except  
6 that it shall not include cannabinoid hemp or hemp extract product.

7 § 7-552 Local authority respecting unlicensed cannabis businesses. a.  
8 The office of the city sheriff shall have the authority to conduct regu-  
9 latory inspections of any place of business, including a vehicle used  
10 for such business, where cannabis, cannabis product, or any products  
11 marketed or labeled as such, are sold, or offered to be sold, where no  
12 registration, license, or permit has been issued pursuant to the canna-  
13 bis law. For the purposes of this subdivision, "place of business" shall  
14 not include a residence or other real property not otherwise held out as  
15 open to the public or otherwise being utilized in a business or commer-  
16 cial manner or any private vehicle on or about the same such property,  
17 unless probable cause exists to believe that such residence, real prop-  
18 erty, or vehicle are being used in such business or commercial manner  
19 for the activity described herein. Any such regulatory inspection shall:

- 20 1. only occur during the operating hours of a place of business;
- 21 2. be conducted for purposes of civil administrative enforcement with  
22 respect to premises lacking applicable registrations, licenses or  
23 permits issued pursuant to the cannabis law, and in furtherance of the  
24 purposes of such law, provided that nothing herein shall limit any  
25 enforcement action under law when illegal activity is observed or occurs  
26 during such inspection; and
- 27 3. be in accordance with procedures sufficient to ensure that any  
28 regulatory inspections are conducted in a reasonable manner, and that

1 such procedures are administrative in nature, designed to detect admin-  
2 istrative violations, in furtherance of the regulatory scheme estab-  
3 lished pursuant to this section, and designed to guarantee certainty and  
4 regularity of application.

5 b. The office of the city sheriff shall have the authority to:

6 1. Order any person who is engaged in conduct prohibited by section  
7 7-551 to cease such prohibited conduct, provided that any such order to  
8 cease may only be issued against the business that is conducting the  
9 unlicensed activity or an individual owner of the business;

10 2. Issue and execute an order to seal a building or premises where any  
11 person is engaged in conduct prohibited by section 7-551 and which  
12 either poses an imminent threat as described in subdivision four of  
13 section one hundred thirty-eight-b of the cannabis law or satisfies the  
14 conditions set forth in subdivision five of such section with respect to  
15 continuation of unlicensed activity upon a subsequent inspection. Such  
16 order to seal shall be served in the same manner as section one hundred  
17 thirty-eight-b of the cannabis law. Such order to seal shall be refer-  
18 enced in the civil summons issued pursuant to section 7-551. When such  
19 an order and civil summons have been issued, the office of the city  
20 sheriff shall have the same powers, authorities, and responsibilities as  
21 provided to the office of cannabis management pursuant to applicable  
22 provisions of section one hundred thirty-eight-b of the cannabis law not  
23 inconsistent with this chapter, provided that the return date of such  
24 civil summons, specifying the hearing date applicable to the civil  
25 summons and the sealing order, shall be within five business days of the  
26 issuance of such summons and order, or a later date requested by the  
27 respondent in accordance with the applicable rules of the office of  
28 administrative trials and hearings. The hearing officer of the office of



1 administrative trials and hearings shall make a determination on such  
2 civil summons, which shall be deemed a final decision of such office,  
3 and shall also make a recommendation to the office of the city sheriff  
4 with respect to whether such order to seal was properly issued in  
5 accordance with the provisions of this section. The office of the city  
6 sheriff shall thereafter make a determination with respect to continua-  
7 tion of such order to seal upon review of such recommendation. Such  
8 recommendation of the office of administrative trials and hearings and  
9 the determination of the office of the city sheriff shall be rendered  
10 within four business days of the conclusion of such hearing; and

11 3. Seize and destroy, consistent with applicable law, any cannabis,  
12 cannabis product, or any product marketed or labeled as such, found in  
13 the possession of a person engaged in the conduct described in paragraph  
14 one of this subdivision in their place of business, including a vehicle  
15 used for such business, where an order as set forth in such paragraph  
16 one has been issued, providing the person is the business that is  
17 conducting the unlicensed activity or an individual owner of the busi-  
18 ness, and maintain documentation of the chain of custody of such seized  
19 products, and ensure that such products are properly stored, catalogued,  
20 and safeguarded until such time as they may properly be destroyed by the  
21 city.

22 c. Mutilation or removal of a posted order, posted notice, or secure  
23 padlock that is enforced or in place pursuant to this section shall be  
24 punishable in the manner specified by subdivision eight of section one  
25 hundred thirty-eight-b of the cannabis law.

26 d. The provisions of this section shall not apply to any premises or  
27 entity that is listed in the directory maintained by the office of  
28 cannabis management pursuant to subdivision thirteen of section eleven

1 of the cannabis law. Further, the city sheriff, or the sheriff's desig-  
2 nee within the office of the city sheriff or another city agency, shall  
3 serve as the liaison to the office of cannabis management to ensure that  
4 updates to such directory are immediately incorporated into the local  
5 inspection process, and shall coordinate with such office on efforts to  
6 inspect unlicensed businesses and related enforcement efforts. The city  
7 sheriff or other designee shall:

8 1. send bi-weekly reports to the office of cannabis management, in the  
9 manner and format prescribed by such office, detailing recent enforce-  
10 ment efforts undertaken pursuant to this section, including the number  
11 and location of inspections conducted, notices of violation issued, and  
12 orders to seal issued and executed, and the amount and nature of any  
13 cannabis, cannabis products, or products marketed or labeled as such  
14 that were seized pursuant to this section;

15 2. serve as the primary contact for the office of cannabis management  
16 in connection with the training program of such office and the sharing  
17 of materials made available to the city with respect to inspection and  
18 enforcement pursuant to this section and other applicable law; and

19 3. file with the office of cannabis management any regulations and  
20 procedures developed or adopted relating to the implementation of this  
21 section and section 7-551, as well as any subsequent local laws imple-  
22 menting section one hundred thirty-one of the cannabis law.

23 4. The office of the city sheriff may seek to enforce such order by  
24 seeking injunctive relief, including through an action pursuant to  
25 section sixteen-a of the cannabis law.

26 e. Notwithstanding any inconsistent provision of law, the office of  
27 the city sheriff may designate personnel of other agencies of the city  
28 of New York to implement powers granted to such office pursuant to this

1 chapter if such office determines that additional resources are neces-  
2 sary for the effective implementation of such powers, provided that no  
3 such designation pursuant to this subdivision shall confer peace officer  
4 status on any such designated personnel who do not otherwise have such  
5 status.

6 f. The office of the city sheriff shall establish a system for receiv-  
7 ing complaints of unlicensed activity by any business within the city of  
8 New York.

9 g. Any orders issued pursuant to this section shall be served by  
10 delivery of the order to the owner of the business or other person of  
11 suitable age or discretion in actual or apparent control of the premises  
12 at the time of the inspection and shall be posted at the building or  
13 premises that have been sealed, secured and closed. A copy of the order  
14 shall also be mailed to any address for the owner of the business at any  
15 address provided by the person to whom such order was delivered pursuant  
16 to this subdivision.

17 § 7-553 Local authority. Nothing in this chapter shall preclude the  
18 enactment of local laws or rules in accordance with subdivision three of  
19 section one hundred thirty-one of the cannabis law, or any other law.

20 § 12. Subdivision 4 of section 918 of the county law, as amended by  
21 chapter 205 of the laws of 2020, is amended to read as follows:

22 4. Any other laws to the contrary notwithstanding, the county clerk in  
23 each of the counties within the city of New York is authorized and  
24 empowered to maintain separate judgment docket volumes containing the  
25 printed transcript or transcripts, in strict alphabetical order of judg-  
26 ment made, entered and docketed in the civil court of the city of New  
27 York against individuals, corporations, and other entities on behalf of  
28 the parking violations bureau, the environmental control board, the taxi

1 and limousine commission, the department of consumer [affairs] and work-  
2 er protection, the office of administrative trials and hearings when  
3 acting in accordance with subdivision c of section 7-551 of the adminis-  
4 trative code of the city of New York and the commissioner of jurors of  
5 the city of New York, provided that the judgments made, entered and  
6 docketed in the civil court of the city of New York against individuals,  
7 corporations, and other entities on behalf of the department of consumer  
8 [affairs] and worker protection shall be limited to final decisions and  
9 orders that either (a) award restitution, or monetary damages, to a  
10 consumer or worker; or (b) award such restitution, or monetary damages,  
11 to a consumer or worker, together with civil penalties or equitable  
12 relief. These volumes may be maintained in the form of computer print  
13 outs which shall contain the date of judgment, the name and address of  
14 the judgment debtor or debtors, the amount of the judgment and other  
15 information which the county clerk may deem necessary to sufficiently  
16 describe the parties to the action or proceeding or nature or the manner  
17 of the entry of the judgment. The county clerk may, in [his or her] in  
18 such clerk's discretion, in lieu of such volumes, maintain the aforemen-  
19 tioned data in a micrographic or computer retrievable format. With  
20 respect to judgments on behalf of the parking violations bureau such  
21 volumes or other format shall be maintained pursuant to this subdivision  
22 for only those individuals, corporations, and other entities having  
23 vehicles registered in the counties within the city of New York.

24 § 13. Subdivisions 1 and 1-a of section 132 of the cannabis law,  
25 subdivision 1 as amended and subdivision 1-a as added by section 17 of  
26 part UU of chapter 56 of the laws of 2023, are amended to read as  
27 follows:

1 1.(a) Any person who cultivates for sale, offers to sell, or sells  
2 cannabis, cannabis products, medical cannabis, or any product marketed  
3 or labeled as such, without having an appropriate registration, license  
4 or permit therefor, including a person whose registration, license, or  
5 permit has been revoked, surrendered or cancelled, where such person is  
6 engaging in activity for which a license would be required under this  
7 chapter, may be subject to a civil penalty of not more than ten thousand  
8 dollars for each day during which such violation continues and an addi-  
9 tional civil penalty in an amount of no more than five times the revenue  
10 from such prohibited sales or, in an amount of no more than three times  
11 the projected revenue for any such product found in the possession of  
12 such person based on the retail list price of such products; provided,  
13 however, that any such person who engages in such activity from a resi-  
14 dence or other real property not otherwise held out as open to the  
15 public or otherwise being utilized in a business or commercial manner or  
16 any private vehicle on or about same such property, and the quantity of  
17 such product on such premises or vehicle does not exceed the limits of  
18 personal use under article two hundred twenty-two of the penal law, may  
19 be subject to a civil penalty of no more than five thousand dollars.

20 Provided, further, that where such person has been ordered to cease  
21 such conduct pursuant to subdivision one of section one hundred thirty-  
22 eight-a of this [chapter] article, such person may be assessed a civil  
23 penalty of no more than twenty thousand dollars per day for each day  
24 during which such violation continues after receiving such order in  
25 addition to the additional civil penalties set forth above; provided,  
26 however, that any such person who engages in such activity from a resi-  
27 dence or other real property not otherwise held out as open to the  
28 public or otherwise being utilized in a business or commercial manner or

1 any private vehicle on or about same such property, and the quantity of  
2 such product on such premises or vehicle does not exceed the limits of  
3 personal use under article two hundred twenty-two of the penal law, may  
4 be subject to a civil penalty of no more than ten thousand dollars.

5 (b) If a person engaging in the conduct described in paragraph (a) of  
6 this subdivision[,] or subdivision one-a of this section refuses to  
7 permit the office or the board from performing a regulatory inspection,  
8 such person may be assessed a civil penalty of up to [four] eight thou-  
9 sand dollars for a first refusal and up to [eight] fifteen thousand  
10 dollars for a second or subsequent refusal within three years of a prior  
11 refusal. If the office or board is not permitted access for a regulatory  
12 inspection pursuant to section ten or section eleven of this chapter, as  
13 applicable, by such person, the attorney general, upon the request of  
14 the office or the board, shall be authorized to apply, without notice to  
15 such person, to the supreme court in the county in which the place of  
16 business is located for an order granting the office or board access to  
17 such place of business. The court may grant such an order if it deter-  
18 mines, based on evidence presented by the attorney general, that there  
19 is reasonable cause to believe that such place of business is a place of  
20 business which does not possess a valid registration, license, or permit  
21 issued by the office or board.

22 (c) In assessing the civil penalties under this subdivision or subdi-  
23 vision one-a of this section, the board or office shall take into  
24 consideration the nature of such violation and shall assess a penalty  
25 that is proportionate to the violation; provided, however, that an affi-  
26 davit from a representative of the office, the office of the attorney  
27 general, or a local government, or a local police officer confirming the  
28 presence of conduct described in this subdivision or subdivision one-a

1 of this section following an inspection by the office after the office  
2 has ordered such conduct to cease shall be sufficient to establish a  
3 prima facie case that such conduct had been continuing for each business  
4 day between the initial inspection and the last observed or otherwise  
5 documented conduct.

6 1-a. Any person [found to have] engaged in indirect retail sale in  
7 violation of subdivision one-a of section one hundred twenty-five of  
8 this [chapter] article, shall be subject to a civil penalty in an amount  
9 equaling the lesser of three times the revenue for such indirect retail  
10 sales or up to two thousand five hundred dollars for each such sale,  
11 provided, however, that where such conduct also constitutes a violation  
12 of subdivision one of this section, such person may only be subject to  
13 the civil penalties under one such subdivision, and provided, further,  
14 that where such person has been ordered to cease such conduct pursuant  
15 to subdivision one of section one hundred thirty-eight-a of this arti-  
16 cle, such person may be assessed a civil penalty of up to five thousand  
17 dollars for each day during which such violation continues in addition  
18 to any civil penalties set forth above.

19 § 14. Subdivisions 2, 4 and 5 of section 138-a of the cannabis law,  
20 subdivision 2 as added and subdivisions 4 and 5 as amended by section 20  
21 of part UU of chapter 56 of the laws of 2023, are amended and nine new  
22 subdivisions 6, 7, 8, 9, 10, 11, 12, 13 and 14 are added to read as  
23 follows:

24 2. seize any cannabis, cannabis product, cannabinoid hemp or hemp  
25 extract product, or any product marketed or labeled as such, found in  
26 the possession of a person engaged in the conduct described in subdivi-  
27 sion one of this section and their place of business, including a vehi-  
28 cle used for such business;

1 4. seek injunctive relief against any person engaging in conduct in  
2 violation of this section; [and]

3 5. request that the attorney general obtain judicial enforcement of an  
4 order issued under subdivision one of this section or bring an action or  
5 proceeding for any relief otherwise authorized under this chapter for a  
6 violation of this chapter, including the recovery of any applicable  
7 civil penalties[.];

8 6. in connection with any regulatory inspection or investigation or  
9 action thereafter, review, seize and copy records;

10 7. in connection with any action or proceeding authorized by this  
11 chapter, request that the attorney general or any police officer or  
12 peace officer seize or remove and hold as evidence all material, equip-  
13 ment, and instrumentalities used in the creation and maintenance of the  
14 conduct described in subdivision one of this section;

15 8. upon receipt of one or more complaints that a person is engaged in  
16 conduct described in subdivision one of this section or in connection  
17 with any inspection or subsequent investigation of a person engaged in  
18 the conduct described in subdivision one of this section, issue subpoe-  
19 nas to any owners, managers, or employees of such person for information  
20 regarding the person and the conduct;

21 9. with the assistance of law enforcement, seize or impound other  
22 property used in furtherance of the conduct described in subdivision one  
23 of this section;

24 10. upon an ex parte order to a court, request the court to issue a  
25 restraining order freezing liquid assets to enforce the provisions of  
26 this section and section sixteen-a of this chapter and section one  
27 hundred thirty-two of this article;



1 11. in accordance with the procedures outlined in section one hundred  
2 thirty-eight-b of this chapter, issue and execute an order to seal a  
3 building or premises of any unlicensed businesses in which any person is  
4 engaged in conduct in violation of this section or section one hundred  
5 twenty-five or one hundred thirty-two of this article;

6 12. upon receipt of one or more complaints that a person is engaged in  
7 conduct described in subdivision one of this section, apply or request  
8 that the attorney general apply for an ex parte order to the supreme  
9 court in the county in which the place of business is located for an  
10 order granting the office or board access to such place of business.  
11 The court may grant such an order if it determines, based on the  
12 evidence presented, that there is reasonable cause to believe that such  
13 place of business is the same place of business for which the office has  
14 received such complaints;

15 13. upon finding a violation of this section by a holder of a license  
16 issued by the state liquor authority, a registration issued by the  
17 commissioner of taxation and finance to sell cigarettes or tobacco  
18 products at retail, a registration issued by the commissioner of taxa-  
19 tion and finance to sell vapor products at retail, or a lottery sales  
20 agent license issued by the division of lottery, (a) issue a notice of  
21 violation to the holder or an agent thereof that clearly states (i) that  
22 the holder's state licenses, permits, or registrations may be at risk of  
23 revocation or suspension and (ii) that the holder's business premises  
24 may be subject to an order to seal if upon a subsequent inspection the  
25 office finds that the violation has not been abated, and (b) notify the  
26 agency that issued the authorization that the holder is in violation of  
27 this section; and

1 14. if any penalty is not paid within six months, enter the amount  
2 thereof as a judgment in the office of the clerk of the county of Albany  
3 and in any other county in which the person resides, has a place of  
4 business, or through which it operates. If such judgment has not been  
5 satisfied within thirty days thereafter, no license, registration, or  
6 permit shall be issued by the board to such person for three years ther-  
7 eafter.

8 § 15. The cannabis law is amended by adding a new section 138-b to  
9 read as follows:

10 § 138-b. Orders to seal. 1. In addition to any other authority  
11 conferred in this chapter, pursuant to the provisions of this section,  
12 the board or the office shall have the authority to issue an order to  
13 seal the building or premises of any business engaged in unlicensed  
14 activity, when such activity is conducted, maintained, or permitted in  
15 such building or premises, occupied as a place of business as described  
16 in subdivision eight of section ten of this chapter, in violation of  
17 subdivision one or one-a of section one hundred twenty-five or subdivi-  
18 sion one or eight of section one hundred thirty-two of this article.

19 2. Any order to seal shall be served by delivery of the order to the  
20 owner of the business or other person of suitable age or discretion in  
21 actual or apparent control of the premises at the time of the inspection  
22 and shall be posted at the building or premises that have been sealed,  
23 secured and closed. A copy of the order shall also be mailed to any  
24 address for the owner of the business at any address provided by the  
25 person to whom such order was delivered pursuant to this subdivision.  
26 The order shall remain in effect pending a hearing and final determi-  
27 nation of the board, or until such order is vacated by the office pursu-

1 ant to subdivision six of this section. An order to seal shall explicit-  
2 ly state the procedure to request a hearing within seven days.

3 3. The office may issue an order to seal with an immediate effective  
4 date if such order is based upon a finding by the office of an imminent  
5 threat to the public health, safety, and welfare. In such cases a hear-  
6 ing shall be held within three business days of a request for such hear-  
7 ing, unless otherwise adjourned by agreement of the parties, and a  
8 determination shall be rendered within four business days of the conclu-  
9 sion of such hearing, provided that the respondent has submitted a veri-  
10 fied statement that may be required pursuant to subdivision five of  
11 section seventeen of this chapter. Failure of a respondent to appear at  
12 the hearing will result in a default and order of sealing to remain in  
13 effect for up to one year unless otherwise vacated pursuant to the  
14 provisions of this section.

15 4. Factors that determine an imminent threat to public health, safety,  
16 and welfare shall be limited to:

17 (a) documented sales to minors;

18 (b) unlicensed processing of cannabis products at the building or  
19 premises;

20 (c) orders issued following an inspection wherein the person engaged  
21 in the unlicensed activity engaged in violent, tumultuous, or other  
22 behaviors indicating expressed intent to not comply with the office's  
23 order to cease the unlicensed activity;

24 (d) documented presence of unlawful firearms at the building or prem-  
25 ises;

26 (e) proximity of the building or premises to schools, houses of  
27 worship, or public youth facilities;

1 (f) presence of products deemed unsafe based on reports of illness or  
2 hospitalization; or

3 (g) sales of, or offers to sell, cannabis products not tested or  
4 labeled lawfully in accordance with this chapter.

5 5. Notwithstanding the factors listed in subdivision four of this  
6 section and the restriction set forth in paragraph (b) of subdivision  
7 six of this section, the office may issue an order to seal with an imme-  
8 diate effective date upon a second or subsequent inspection in which  
9 unlicensed activity is confirmed to be continuing more than ten calendar  
10 days after a notice of violation and order to cease unlicensed activity  
11 was previously issued by the office, provided that the office has also  
12 provided notice pursuant to subparagraph (ii) of paragraph (a) of subdi-  
13 vision thirteen of section one hundred thirty-eight-a of this article.

14 6. An order to seal may be issued by the office or the board pursuant  
15 to subdivision three of this section only if: (a) no part of the prem-  
16 ises to be sealed is used in part as a residence and pursuant to local  
17 law or ordinance is zoned and lawfully occupied as a residence; and (b)  
18 the unlicensed activity as described in this section is more than a de  
19 minimis part of the business activity on the premises or in the building  
20 to be sealed pursuant to the order. In the event that an order to seal  
21 may not be issued pursuant to this subdivision, the office shall issue a  
22 notice of violation and order to cease the unlicensed conduct, which  
23 shall constitute notice that such unlicensed activity must cease imme-  
24 diately.

25 7. In assessing whether unlicensed activity within a building or prem-  
26 ises is more than de minimis, the office or board, as relevant, shall  
27 consider factors such as any one or more of the following:

1 (a) the presence of signs or symbols, indoors or out, advertising the  
2 sale of cannabis or otherwise indicating that cannabis is sold on the  
3 premises;

4 (b) information shared in any advertisements or other marketing  
5 content in connection with the unlicensed business activity and any  
6 direct or indirect sales of cannabis or other conduct in violation of  
7 this chapter;

8 (c) the volume of illicit cannabis products on site; and

9 (d) the variety of illicit cannabis products on site.

10 8. Upon a request by the office, any police officer or peace officer  
11 with jurisdiction may assist in the enforcement of an order to seal  
12 issued by the office or the board, in accordance with the following  
13 procedures:

14 (a) The police officer or peace officer serving and executing the  
15 order to seal shall forthwith make and return to the office an inventory  
16 of personal property situated in and used in conducting, maintaining, or  
17 permitting the unlicensed activity within the scope of this chapter and  
18 shall enter upon the building or premises for such purpose. Such inven-  
19 tory shall be taken in any manner which is deemed likely to evidence a  
20 true and accurate representation of the personal property subject to  
21 such inventory including, but not limited to photographing such personal  
22 property.

23 (b) The police officer or peace officer serving and executing the  
24 order to seal shall enter the building or premises and, upon service of  
25 the order, command all persons present in the building or premises to  
26 vacate the premises forthwith. Upon the building or premises being  
27 vacated, the premises shall be securely locked and all keys delivered to  
28 the officer serving the order who thereafter shall deliver the keys to

1 the fee owner, lessor, or lessee of the building or premises involved.  
2 If the fee owner, lessor, or lessee is not at the building or premises  
3 when the order is being executed, the officer shall securely padlock the  
4 premises and retain the keys until the fee owner, lessor, or lessee of  
5 the building is ascertained, in which event, the officer shall deliver  
6 the keys to such fee owner, lessor, or lessee.

7 (c) Upon service and execution of the order to seal, the police offi-  
8 cer or peace officer shall post a copy thereof in a conspicuous place or  
9 upon one or more of the principal doors at entrances of such premises  
10 where the unlicensed activity is being conducted, maintained, or permit-  
11 ted. In addition, the officer shall affix, in a conspicuous place or  
12 upon one or more of the principal doors at entrances of such premises, a  
13 printed notice that the premises have been closed by order of the canna-  
14 bis control board, and the name of the officer or agency posting the  
15 notice.

16 (d) Mutilation or removal of such a posted order or such a posted  
17 notice while it remains in force, in addition to any other punishment  
18 prescribed by law, shall be punishable, on conviction, by a fine of not  
19 more than five thousand dollars or by a class B misdemeanor, or both,  
20 provided such order or notice contains therein a notice of such penalty,  
21 and shall be referred to the local district attorney for enforcement.  
22 The office shall also adhere to the procedures in this subdivision when  
23 executing an order to seal issued in accordance with this section.

24 9. Any order to seal issued by the office or the board issued pursuant  
25 to this section shall be effective for one year from the later of the  
26 posting of the order or the date of the judgment provided for in this  
27 section. An order to seal shall be vacated by the office or the board,  
28 upon notice to the office, if the respondent submits sufficient evidence

1 to the office or the board by an affidavit and such other proof as may  
2 be submitted by the respondent that the unlicensed activity has been  
3 abated. An order vacating an order to seal shall include a provision  
4 authorizing the office, or any police officer or peace officer who  
5 assisted with the execution of the order to seal, to inspect the build-  
6 ing or premises without notice for the purpose of ascertaining whether  
7 or not the unlicensed activity has been abated. Any police officer or  
8 peace officer with jurisdiction may, upon the request of the office,  
9 assist in the enforcement of an inspection provision of an order vacat-  
10 ing an order to seal.

11 10. The office shall mail a copy, by certified mail, of any order to  
12 seal issued by the office or board within five days following issuance  
13 of such order to the person in whose name the real estate affected by  
14 the order is recorded in the office of the city register or the county  
15 clerk, as the case may be, who shall be presumed to be the owner there-  
16 of. Such mailing shall constitute notice to the owner and shall be  
17 deemed to be complete upon such mailing by the office as provided above.

18 11. If at any time a respondent vacates the building or premises  
19 subject to an order to seal issued by the office or board, or if the  
20 building owner provides sufficient proof thereof, any action or proceed-  
21 ing filed in accordance with these procedures relating to such building  
22 or premises shall be withdrawn by the office or the board without preju-  
23 dice, and any order to seal shall be vacated.

24 12. The remedies provided for in this section are not exclusive and  
25 the office or board may also request and recover penalties in accordance  
26 with other provisions in this chapter.

27 § 16. Section 195.05 of the penal law, as amended by chapter 269 of  
28 the laws of 1998, is amended to read as follows:

1 § 195.05 Obstructing governmental administration in the second degree.

2 A person is guilty of obstructing governmental administration when  
3 [he]:

4 1. Such person intentionally obstructs, impairs or perverts the admin-  
5 istration of law or other governmental function or prevents or attempts  
6 to prevent a public servant from performing an official function, by  
7 means of intimidation, physical force or interference, or by means of  
8 any independently unlawful act, or by means of interfering, whether or  
9 not physical force is involved, with radio, telephone, television or  
10 other telecommunications systems owned or operated by the state, or a  
11 county, city, town, village, fire district or emergency medical service  
12 or by means of releasing a dangerous animal under circumstances evincing  
13 the actor's intent that the animal obstruct governmental administration;  
14 or

15 2. With the intent to violate a closing order, order to seal, tempo-  
16 rary closing order, or temporary order to seal issued by a governmental  
17 entity to address a public health or safety concern, such person damages  
18 or removes any padlock or other device installed for the purpose of  
19 effectuating such order.

20 Obstructing governmental administration is a class A misdemeanor.

21 § 17. Subdivision 1, paragraph (b) of subdivision 2 and subdivision 4  
22 of section 715-a of the real property actions and proceedings law, as  
23 added by section 21 of part UU of chapter 56 of the laws of 2023, are  
24 amended to read as follows:

25 1. Any duly authorized enforcement agency of the state or of a subdi-  
26 vision thereof, under a duty to enforce the provisions of the penal law  
27 or of any state or local law, ordinance, code, rule or regulation relat-  
28 ing to buildings, or the cannabis control board, office of cannabis



1 management or the attorney general pursuant to section one hundred thir-  
2 ty-eight-a of the cannabis law, may serve personally upon the owner or  
3 landlord of real property authorized or otherwise intended or adver-  
4 tised, in whole or part, for use to buy, sell or otherwise provide goods  
5 or services, or for other business, commercial, professional services or  
6 manufacturing activities, or upon their agent, a written notice requir-  
7 ing the owner or landlord to make an application for the removal of a  
8 commercial tenant so using or occupying the same for a violation of  
9 article two hundred twenty-two of the penal law or article six of the  
10 cannabis law involving the unlicensed sale of cannabis[, where such  
11 property, or the portion thereof being used for such unlicensed activ-  
12 ity, is not occupied for any other licensed or lawful purpose] or  
13 products marketed or labeled as such. If the owner or landlord or their  
14 agent does not make such application within five days thereafter; or,  
15 having made it, does not in good faith diligently prosecute it, the  
16 enforcement agency giving the notice may bring a proceeding under this  
17 article for such removal as though the petitioner were the owner or  
18 landlord of the premises, and shall have precedence over any similar  
19 proceeding thereafter brought by such owner or landlord or to one there-  
20 tofore brought by them and not prosecuted diligently and in good faith.  
21 An enforcement agency authorized to bring a petition hereunder may do so  
22 on their own initiative or upon a referral from an agency of the state  
23 or a subdivision thereof. The person in possession of the property, as  
24 well as any lessee or sublessee and the owner or landlord shall be made  
25 respondents in the proceeding.

26 (b) impose and require the payment by any respondent not otherwise  
27 subject to a civil penalty under section sixteen or one hundred twenty-  
28 five of the cannabis law, who has been found to have knowingly permitted

1 such a violation, a civil penalty not exceeding [three] five times the  
2 amount of rent charged, owed, or paid, as the case may be, for the dura-  
3 tion of the violation, which may be calculated from the date the owner  
4 or landlord respondent received notice of the violation to the date the  
5 unlicensed activity is abated, for which a respondent shall be required  
6 to provide sufficient proof thereof, including but not limited to a  
7 sworn statement by a local law enforcement or other governmental entity  
8 that the unlicensed activity has been abated; provided, however, that in  
9 a city with a population of over one million the civil penalty shall be  
10 fifty thousand dollars. The landlord or property owner shall also  
11 provide a copy of any executed lease with such tenant;

12 4. The use or occupancy of premises [solely or primarily] customarily  
13 or habitually for the unlicensed retail sale of cannabis or products  
14 marketed or labeled as such shall constitute an illegal trade, manufac-  
15 ture, or other business for the purposes of section two hundred thirty-  
16 one of the real property law.

17 § 18. This act shall take effect immediately and shall apply to  
18 offenses committed on or after the date this act shall have become a  
19 law; provided, however, evidence of past violations of sections 138-a  
20 and 125 of the cannabis law may be considered when imposing penalties  
21 under the cannabis law or issuing orders to seal pursuant to section  
22 138-b of the cannabis law established pursuant to section fifteen of  
23 this act; and provided, however that the amendments to section 16-a of  
24 the cannabis law made by section five of this act shall not affect the  
25 repeal of such section and shall be deemed repealed therewith.