

Marijuana in New York State – 2018

New York State’s proposed full marijuana legalization measure would regulate the production, distribution, and use of cannabis in a manner akin to alcohol.

The District of Columbia and twenty-nine states, including New York, allow some form of medical marijuana.

Recreational marijuana use is legal in nine states – Washington, Oregon, California, Nevada, Colorado, Alaska, Vermont, Massachusetts, and Maine. New Jersey is additionally considering legalizing recreational marijuana in its state.

1927: Beginning of cannabis prohibition under New York State Law.

1937: Beginning of federal cannabis prohibition.

1944: LaGuardia Commission Report rejected the “gateway theory” and other standard prohibitionist arguments.

1965: First public demonstration for legalization organized by poet Allen Ginsberg.

1967: Tompkins Square Park “smoke-in” begins nationwide wave of outdoor cannabis gatherings.

1977: Statutory decriminalization of personal use amounts of cannabis.

1980: “Olivieri Statute” (Public Health Law Art. 33-A), a medical cannabis statute that was never implemented.

1990s: “Medical marijuana” buyers’ clubs form.

1996: *People v. Moore*, 167 Misc.2d 994 (N.Y. Cty. Crim. Ct. 1996), implicit recognition of medical use of cannabis by Manhattan District Attorney Morgenthau.

1997: New York State Assembly Member Richard Gottfried introduces medical cannabis legislation following passage of Proposition 215 in California in 1996.

2013: Senator Liz Krueger and Assembly Member Crystal Peoples-Stokes introduce full adult legalization legislation, the “Marihuana Regulation and Taxation Act.”

2014: Enactment of “Compassionate Care Act,” current medical cannabis law. Creation of Industrial Hemp Program.

To voice your opinion on the Marihuana Regulation and Taxation Act, which includes a provision for each person 21 years and older to have up to six plants of his/her own:

<https://www.nysenate.gov/legislation/bills/2017/s3040/amendment/c>

2019 Update

Marijuana possession up to two ounces is now decriminalized. In other words, possession is a violation, not a misdemeanor or felony, the latter two of which are crimes. But note: violations are prosecuted in criminal courts, and fines go as high as \$200.00 plus court costs.