



NEW YORK STATE SENATE DEMOCRATIC MAJORITY

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Senate Majority Decriminalizes Marijuana Use In New York State

(Albany, NY) The Senate Majority today passed legislation that will address the racial disparities that are present in New York’s antiquated marijuana drug laws. New York’s existing marijuana laws disproportionately affect the African American and Latinx communities. This monumental legislation will decriminalize small amounts of marijuana and establish procedures for record expungements for both past and future convictions.

“Communities of color have borne the brunt of New York State’s marijuana drug laws. Our justice system directly reflects who we are as a society and that is why the Senate Majority is taking action to fix this broken system,” **Senate Majority Leader Andrea Stewart-Cousins** said. “This legislation is marking a momentous first step in addressing the racial disparities caused by the war on drugs. The Senate Majority continues to move forward on full legalization and I thank Senator Jamaal Bailey for his leadership on this issue.”

Bill Sponsor, Senator Jamaal Bailey said, “In New York State, people of color are disproportionately arrested for marijuana possession. The misdemeanor charge for public view of marijuana possession gives those people convicted a criminal record that will follow them throughout their lives, potentially limiting their access to housing, access to education, affecting their ability to obtain employment, all leading to a potential inability to provide for their families. While this legislation falls short of the goal of legalization of adult-use cannabis, the ability to create a mechanism for expungement, both retroactively and forward-looking, is a step in the right direction in finally ending the heavy-handed war on drugs that has decimated communities of color.”

African-American and Latinx individuals are [arrested at higher rates](#) for misdemeanor marijuana possessions. In New York City, African-Americans are [eight times more likely to be arrested](#) on low-level marijuana charges and Latinx people are arrested at five times more. The racial disparities for arrests are wider for cities in Upstate, NY. According to the New York Civil Liberties Union (NYCLU), [African Americans living in Schenectady County are 74 times more likely to be](#) arrested on a marijuana charge.

Decriminalization of Marijuana, [S.6579A](#), will:

- Decriminalize possession of small amounts of marijuana by reducing the penalty for unlawful possession of marijuana to a violation punishable by a fine.
- Establish procedures for automatic record expungement both retroactively and for future convictions.
- Remove criminal penalties (since a violation is not a crime) for possession of any amount of marijuana under two ounce.
- Reduce the penalty to a \$50 fine regardless of criminal history for possession under one ounce, and a \$200 fine regardless of criminal history for possession between one and two ounces.
- Add marijuana to the definition of “smoking” under the Public Health Law so that smoking marijuana will be prohibited in any circumstances where smoking tobacco is prohibited by law

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