



THE **Cannabis** COUNSELOR
WITH ALEECE BURGIO

Episode 8: “NYS Timelines, Processes and More: Moving Forward with NYS Senator Jeremy Cooney”
Speakers: Aleece Burgio and New York State Senator Jeremy Cooney

[Aleece Burgio] Hey, everyone, this is a Barclay Damon Live broadcast. You’re listening to The Cannabis Counselor, and I’m your host Aleece Burgio. Let’s get into it!

[Aleece Burgio] What’s up, everybody? This is episode eight of the Cannabis Counselor. We’re here today with Senator Jeremy Cooney from the 56th District. He’s a New York State senator and also the co-chair of the Marijuana Task Force for Black, Puerto Rican, Hispanic and Asian Caucus. We’re going to be talking about a lot today. The vote has passed. And so Senator Cooney and I are going to dive into what the opposition was, how we’re going to move forward from this day on and really just the next few timelines and processes, and hopefully we get a clearer picture on what’s to come, tune in! Senator Cooney, thank you so much for coming on the Cannabis Counselor podcast. How are you today?

[Senator Jeremy Cooney] Thank you so much for having me and glad to be here. Feeling good, a little anxious with the season that we’re in with the budget, but feeling really good about this legislation that we just passed.

[AB] I know. Thank you for carving out the time. It is obviously so crazy right now. And that legislation, it passed last week, signed by the governor on Wednesday the 31st. It’s just momentous. Very exciting. How is the temperature in Albany right now? Is everyone hyped up?

[JC] Yeah, I would say so. It was definitely an energizing piece of legislation. I’m a new legislator. So I always say this ... that those of us who came into the legislature, I think we played a major role in getting this piece of legislation over the finish line. That said, we certainly stand on the shoulders of those who have come before us and have been fighting this fight for years and years and years. My colleague, Senator Liz Krueger, the sponsor of the bill in the senate, has given so much time over the last five years, and she put all her chips into the middle of the table this session. So I was glad to play a role and just to help her and so many others, like Leader Crystal Peoples-Stokes, make sure that the right bill was passed, not just a bill, but the right type of bill.

[AB] And it’s so important, too. I mean the Marijuana Regulation Taxation Act has been put into the legislature since 2013 and it’s nice to see that progression happen. And, you know, a lot of times those bills end up falling because a new bill is put in or a negotiated bill is put forth. And so it is, it’s really nice to see that that bill got its merit at the time that it was supposed to. And now you’re a co-chair for the Marijuana Task Force for Black, Hispanic, Puerto Rican and Asian Caucus, is that right?

[JC] Yes, that’s correct.

[AB] Awesome.



[JC] We formed a task force really at the end of last year, going into this session because of the type of membership that our caucus had elected that was very outwardly pro legalization for recreational adult-use cannabis. We knew that really the fight wasn't about legalizing. It was a fight around social justice ...

[AB] Totally.

[JC] ... and so Assemblywoman Michaelle Solages appointed myself as the co-chair, the Senate co-chair with, of course, our legendary fighter, Assembly Majority Leader Crystal Peoples-Stokes, as the Assembly co-chair. And together we chaired this task force within the Black, Puerto Rican, Hispanic, and Asian Caucus.

[AB] Very exciting. So now give us some of the scoops. What was going on during this period where you're on the floor, the assembly is speaking, the senate is talking ... What were some of the opposition components to this bill? Obviously, we could talk all day about ... we will, we'll get into the social equity and the things that make New York bill a lot more progressive than any other state we've seen. But what were some of the issues that you guys were combating on the floor in real time?

[JC] So I think for me, there were two sticky points. And again, I'll note that I'm sure that there were plenty of arguments that came before I entered the senate in January. But the two sticky points that I think have kind of carried over from past legislative sessions are really around public safety, specifically narrowing in on the vehicle traffic law issues, making sure that cars and inhibited drivers, or impaired drivers, were safely on our roadways in New York. And then the other sticky issue was really around the social equity component and how we take what we anticipated would be a large amount of tax revenue, new tax revenue to the state and reinvested those dollars back into the community. Over the years we've actually come closer—when I say we, I mean the legislature, the assembly and the senate, and the executive, the governor's office—have come closer to that commitment that some or all of these dollars need to be reinvested into the people of this state.

[AB] Yeah.

[JC] But the devil's in the details, as you know. Was there going to be a social equity fund that had a fixed amount? Was there going to be a dollar amount that would be tied to the amount of revenue earned by the state? ... which is, of course, where we ended up. So there were some differences there. So those are the two issues I would say that really came to the forefront over the last two months.

[AB] You know, I've listened a lot to the opposition. I think you learn the most from what people don't like about the bill, because I can personally get carried away in the terms of social justice, progression, moving forward. This is what we're supposed to happen. But some of the trepidation, the people who are nervous, you do have to take into account ... And I think it's so interesting, the "driving while impaired" argument, it's not like there's an answer, right? And so you've got these states, 15 states ahead of New York State who have had time. I mean, Oregon ... Colorado, I think, was in 2014 when they legalized. So we're talking now close to about to be seven years' worth of legalization. And we're still not comfortable with the "impaired while driving" techniques and tests and things like that, because there isn't technically a device that will tell you when it was ingested, consumed or inhaled. But I thought an amazing counterpoint to that from Assemblywoman Crystal Peoples-Stokes when she was talking about this was that Prohibition happened, and ended in 1933 and the breathalyzer didn't come out until 1953 ... so



20 years later. And it's one of those, I think, really interesting issues of ... you almost have to be uncomfortable, or comfortable with the uncomfortable fact that you're not going to have a device right away; we have to put tax dollars to teams and research in order to really understand how that's going to work. I think it will happen. It's interesting that it's still taking this long, and it just goes to show how difficult that process is.

[JC] And to your point, we did do that, exactly that, in the legislation—we funded a study for that technology to be developed. And look, I think here's the practical reality: Those of us who have worked in the private sector know how this works, right? We just onboarded or put online a state of 19 million people who are going to be able to participate in an adult-use recreational marijuana marketplace, right? So there's going to be a lot of interest, and I think a lot of sales that will result from that. So now we have every technology company in this type of space rushing to come up with this device or test because they know that local law enforcement, state law enforcement is going to be looking to purchase this product. I mean, in some ways, it's kind of like what we saw with the vaccine early on, right? We knew that we had this terrible COVID-19 virus spreading across the world. And there was almost like an arms race between the major pharmaceutical companies.

[AB] Exactly.

[JC] Right? To come up with a solution. And thank God they did, right? ... between Pfizer and Moderna and J&J. But that's how we got to ... that's how the market incentivized.

[AB] Of course, it's like having a monopoly! It's having a monopoly. Right!

[JC] And the same thing is going to incentivize the marketplace to develop this type of technology. I would say fairly quickly. I mean, think about it, just purely from the capitalist point of view. I mean, every shareholder and major technology company is going to want a piece of this, right?

[AB] Absolutely.

[JC] ... So they're going to put the resources behind that research. So I think we'll get there. But the point is not lost on me that you made earlier, which is that impaired driving or when you see a car that really isn't safe on the road, there should be an opportunity to get that car off the road, right? Whether it's alcohol, whether it's some sort of marijuana product, whether it's overdosing on prescription drugs, it could be ... there's a number of things. It's not just alcohol or marijuana. It could be a sleepy driver, right? There's a lot of factors that should empower our law enforcement departments to be able to keep our roads safe. And I think this was actually an interesting issue from a representation standpoint, if you look at the democracy, D, lowercase d, within our two chambers, right? It was the urban or New York City-centric proponents of the bill often arguing with their Democratic colleagues, big D, Democratic colleagues in suburban towns or in upstate New York, which I represent in the city of Rochester. So there was a thought, because we are very car, you know, car-driven economy. We get in cars to go to Wegmans or go to where have you. And so for us, it's much more of an issue than someone who consumes an edible and then gets on a subway and gets back home safely.

[AB] Right.



[JC] That ... I understand the reluctance to just kind of “go along to get along” with a lot of my colleagues. That said, I think we had some really important conversations and some difficult ones, and that we came to a good result where we ... the legislation that did pass, in addition to the study and the research for this device, also outlined a number of guardrail pieces of language so that we don’t go out of control; so that law enforcement is empowered to get impaired drivers off the road, but not take it further and unjustly prosecute or arrest individuals for the use of/their consumption of marijuana. And we also funded more DRE officers, drug recognition experts, so that they can be more trained and be ready to respond to what we assume will be an increased usage. But you know what? I’m going to stop myself before I keep on rambling on here. It’s not necessarily an increased usage because the reality is, New Yorkers are already consuming this substance. We are just taking it out of the back alley and bringing it into the front of the marketplace and allowing it to be sold legally and safely.

[AB] So I’ve had that conversation quite a bit, I feel like recently, which is, you know, why should marijuana be legal? Right? That’s kind of been the question I think that a lot of people who ... aren’t necessarily in favor of legalization, that’s their first question, why do we need it? And it’s always, in my opinion, of public health issue. It’s not like nobody’s doing it, right? I mean, I think it’s fair to say most people in their lifetime have done it, but, you know, it’s really ... people want to know where they’re getting it from, they want to know it’s tested, that it is not accessible to their children, like there’s all these safeguards in place, which is really important. And we really, you know, take ... that’s what you need to take pride in for this bill is the fact that it is regulating a system that’s already there and also including people who are currently in it to go legal for the foreseeable future and incentivize them for that process.

[JC] And it’s truly just building off at that point. It’s truly a rising tide lifts all boats, because when we do that, when we take the market right now for cannabis and move it into a legalized and safe use, not only do we ensure quality, and make sure that the product that is actually being purchased is safe for consumption, but we also empower economic benefit back into the communities which have been ravaged by this war on drugs over the past few decades. And we allow local municipalities to benefit from that. So it’s really a win-win. The state wins because we’re able to realize some new revenue sources and reinvest it back into distressed neighborhoods and communities. The local municipality wins, right... That could be a city, that could be a town, a village, because they get a certain percentage, depending on how it’s broken out, by upwards of 4% back locally stays ... that could go to schools, that could go to improvements, and go to youth development programs, and the community—all of us as New Yorkers—benefit because we are no longer incentivizing or perpetuating an illegal drug trade on our streets.

[AB] Absolutely. Now, I think that transition is perfectly into our next point, which is expungement, right? That’s kind of been a really progressive and pioneer component of this bill. And I’ve actually gotten a few emails asking when does that process happen? What’s the fee going to look like? Is there any insight into when we’ll start seeing that happen? I know right now it’s currently not available. Do we know what it kind of will pan out to be?

[JC] So a little bit of “to be determined,” but let me just comment quickly on overall the process, because this is a big component of our legislation, and something that we fought very hard for with the Marijuana Task Force within the Black, Puerto Rican, Hispanic and Asian Caucus. And that is not just expungement, but an automatic expungement, right? So that individuals who have been either incarcerated or released for low-level drug offenses in New York would have their records expunged, which is really significant when you think about these charges. So let’s say you were arrested for a low-level possession charge—we’re not talking about drug kingpins.



That's a RICO charge at the federal level. That's still on the books, right?—but for a low-level drug possession charge, even if you have served your time or paid your fine, that stays with you on your record, so every single time you apply for a job—it could be 10 years later—you still have to mark that. And that really impedes successful reintegration into society from an employment standpoint ... and providing for your family. So by automatically expunging that ... I think that that will ... the legislation built in a little bit of a buffer time, up to two years, so that the administrative paperwork will be able to be under way. You do not have to go back to court and petition, right? And that's a big deal because we're taking these financial barriers right out.

[AB] That's a huge deal ...

[JC] That is a huge deal, right? Because you know it will clog our court system with all this.

[AB] Oh, absolutely. So let me ask you this. So you're not going to have to ... say I had been released from prison, I have only a marijuana charge, I don't have any gun charges tacked on with it, it's simply a possession or use charge, right, is what we're talking for expungement purposes ...

[JC] ... correct, and just state-level charges, not federal charges.

[AB] ... and state-level charges, yup. So I wouldn't have to sign anything. I wouldn't have to fill out any documentation. It would be automatically expunged just through the system. So I understand. I'm interested.

[JC] Yeah. I believe that you are correct. Don't quote me on that.

[AB] No, I'm not quoting ...

[JC] A lot of this will be ... and this is actually a good point to raise—a lot of these process points will be determined by this new Office of Cannabis Management, who will have oversight, not just of the licensing and the business side of the equation, but also on carrying out and executing the public policy components of the MRTA legislation that you referenced earlier to fruition. So there may be some timeline and process standpoints, but the goal would be, at this point, to identify anyone who still has these on the record or is incarcerated—again, just on state-level offenses—and then be able to find ways to help them. So we are working very closely—we collectively, the legislature—is working very closely with a lot of the legal aid societies or legal service projects across upstate and downstate, defenders projects in the five boroughs, right? To make sure that their clients have all this information. I think we'll have more in 30 days ...

[AB] That's great.

[JC] I think that's a fair assessment, yeah.

[AB] What I think is great already is that the Office of Cannabis Management's website already launched, launched this past Friday, I think, which is super expedited, in my opinion, I was incredibly impressed. But I think to just wrap up our last question, I love your passion for social equity and inclusion. How did you get motivated to join in on that task force? And what kind of drives you as a legislator to keep moving forward with these ideals?



[JC] Sure, well, I ran for the State Senate in 2018. So this was before the Democrats had taken the majority representation in the Senate, but it was a big talking point that marijuana legalization, you mentioned that it started in 2013 with the legislation that had been entered, but this would actually come to fruition in 2018 if we elected a Democratic majority in the State Senate.

[AB] True.

[JC] So this was part of my platform in running. And I'll tell you what, I've learned more about marijuana in the last couple of years than I ever cared to know. It's a fascinating industry. I'm a student of public policy. I'm an economics guy, so that just intellectually motivates me. But there's two things that I think really pushed me to get involved. And to ask to co-chair this task force with the majority leader. One, I love her, I love Crystal Peoples-Stokes. She's an outspoken champion, and no one's going to get in her way. And she was only going to pass the right legislation for her people in Buffalo and for the rest of New York. So to be able to learn from and partner with an incredible leader like the majority leader, and from Senator Krueger, who I absolutely adore in the state senate because she just has a way of speaking clearly and genuinely to opposition as well as her colleagues, to really learn from these two incredible women. And, of course, following the leadership from Andrea Stewart-Cousins, our majority leader, it just was a great opportunity for me as a first-year legislator. That said, I am an upstate guy. I am from Rochester. I love Rochester, and it breaks my heart that you're 16 times more likely to be arrested for a low-level drug offense if you are black than if you are white in Monroe County.

[AB] Really. That is a very high percentage. 16 times more likely ... I've been hearing 4, I've been hearing 6 ... 16 is insane ...

[JC] ... especially ... it gets even crazier when you look at the percentage of our population of black to white in Monroe County, which is Greater Rochester. So this is a social justice issue first and foremost for me as a Rochesterian, but I also look at it from the lens of Upstate New York. I am a huge proponent for, how do we reinvigorate the Upstate economy? And I want to make sure that Upstate—whether it's a farmland in my district or whether it's our Upstate Big Five cities—I want to make sure that we participate in this new economy, and that could be in any level of the vertical ... that could be cannabis crops, that could be processing, that could be distribution to go from Jamestown to ... Montauk, right? And it could also, of course, be the retail dispensary site, which will see the most amount of interest in. I just wanted to make sure Upstate New York had a voice in the State Senate ...

[AB] Has a place ...

[JC] ... because Liz Krueger, again, Senator Krueger, amazing advocate, represents the Upper East Side of Manhattan. It's a very different lens than a city like Rochester that has that disproportionate social justice impact.

[AB] And honestly, their lens is going to be mostly through retail and distribution down in New York City ... nobody is really going to be putting processing and producing facilities, I think there. One: cost for real estate is just way too high. And two: it's so much easier to get accessibility up here for local town approvals and buying land where you're near nobody. I mean, it's just ...



[JC] Well, New York could do vertical farming, right? Which is something I'm interested in. But the price of real estate is somewhat prohibitive. Unless you're, like, way out, in you know, Brooklyn or Staten Island. And then also, I was going to say, also, don't forget that we already have somewhat of a cannabis crop industry with our hemp farmers who are already in place in Upstate New York, who can then convert over with that THC component. So in many ways, we in Upstate New York, not only do we have the land, but we are ready to go! We just have to switch some functionality here.

[AB] Totally. I think vertical is going to come into play with micro-grows. You're going to see a lot of vertical in New York with micro because they'll utilize 2,000 or 1,500 square feet the correct way and getting how many plants you can unless they do plant count. But usually micro-grows include a square footage as opposed to a plant. ... Amazing! Okay, well, thank you so much for hopping on. This has been so fun and informative. And for everyone who's listening, this podcast will launch next Tuesday. So, April ... 13th. And we're so happy to have you. Thank you so much. And let us know if there's anything new and you got to hop back on and catch everybody up. We really appreciate it.

[JC] Anytime! Stay involved. And if you are an Upstate New York, make sure that you are getting ready. Because we know that this is going to be a fast-moving process. Once the Office of Cannabis Management releases its process, we want to be ready. We want to be able to participate, and we want to benefit our community. So stay in touch and let us know how we can be helpful.

[AB] Awesome. Thanks so much. Okay, you have a great one. Thanks, Senator.

[JC] Thank you.

[AB] The Cannabis Counselor Podcast is available on YouTube, LinkedIn, Apple Podcasts, Spotify, and Google Play. Like, follow, share and continue to listen. Thanks.

