


# Cannabis in NYC: Know Your Rights

Cannabis (marijuana) is legal for adult use in New York State (NYS).



**3 oz**      **24 g**

Adults age 21 and older may have and share (but not sell) up to 3 ounces of cannabis flower or bud, and up to 24 grams of concentrated cannabis such as oils or vapes.



**Smoking Area**

Adults age 21 and older may smoke or vape cannabis in most places where tobacco smoking is permitted.




New York's medical cannabis program has been expanded. For information about the changes, visit [cannabis.ny.gov/medical-cannabis](https://cannabis.ny.gov/medical-cannabis).




Cannabis sales are allowed only at NYS-licensed dispensaries. For up-to-date information about legally purchasing cannabis, including dispensary locations, visit [cannabis.ny.gov/adult-use](https://cannabis.ny.gov/adult-use).


## Employment

- Employers cannot act against people for legally using cannabis outside of work. Employers can create and enforce policies that prohibit impairment or use while at work. Ask your employer for their specific cannabis policies. 
- Employers can act against people who are impaired by or using cannabis while at work.
  - For more information, visit [dol.ny.gov](https://dol.ny.gov) and search for **workplace cannabis**.
- NYC local law prohibits pre-employment testing for cannabis use.
  - For more information, visit [nyc.gov/dcas](https://nyc.gov/dcas) and search for **cannabis testing**.


## Child Welfare

- Legal possession or use of cannabis cannot be used as a reason to deny child custody or visits.
- Anyone with children or youth in the home must safely store their cannabis and cannabis products out of the sight and reach of children and youth. 

## Housing

- Private landlords cannot deny housing because of cannabis use.
- Private building policies may limit or prohibit smoking and vaping inside homes. Check your lease or building rules. 
- NYCHA housing developments have smoke-free policies that ban smoking and vaping tobacco and cannabis on the property. Public housing that is part of a federal program falls under federal law prohibiting the possession and use of cannabis and cannabis products.

## Secondhand Smoke Exposure

- Smoking and vaping any products, including cannabis, are not allowed in public areas of buildings and most workplaces. Other areas where smoking and vaping are not allowed include, but are not limited to, restaurants, bars and public spaces like parks and beaches. 
- To learn more about smoke-free air laws, visit [nyc.gov/health/tobaccocontrol](https://nyc.gov/health/tobaccocontrol).
- To file a complaint about a smoking violation, call **311** or visit [portal.311.nyc.gov](https://portal.311.nyc.gov) and search for **smoking complaint**.

## Criminal Legal System

- Past cannabis offenses that are no longer illegal under the new law will be expunged (removed) from people's records.
  - This process is automatic, so no action is needed by the person with the record.
  - It may take up to two years for the records to be expunged (removed).
- The new law limits the search of a vehicle based on the smell of cannabis to areas a driver can easily reach.
- Under the new law, a person's legal use of cannabis cannot be considered in decisions about state or local parole or probation.
- People may be able to have the court reduce their current sentence for cannabis offenses that have changed under the new law.



- The court may reduce a current sentence if the case meets required legal qualifications.
- Unlike expungement (the removal of offenses from people's records because of the new law), resentencing (adjusting a sentence because of the new law) is not automatic. Resentencing requires a lawyer to file motions with the court.

## Immigration

- Cannabis is still illegal under federal law. Cannabis law violations can still cause serious immigration problems.
- For more information, seek immigration legal services. Call the City-funded, free and safe ActionNYC Hotline at 800-354-0365, or call **311** and say "ActionNYC," from 9 a.m. to 6 p.m., Monday to Friday, to get information and connected to help.

For free legal assistance, contact the Legal Action Center (212-243-1313), the Legal Aid Society (212-577-3300), Legal Services NYC (917-661-4500) or New York Lawyers for the Public Interest (212-244-4664). For more information, call **311**.