

Intro No. 19
Date 12/30/25
Reviewed by CJS
Co. Attorney
Date 12/22/25

RESOLUTION
BROOME COUNTY LEGISLATURE
BINGHAMTON, NEW YORK

Sponsored by: County Administration and Finance Committees

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 7 OF 2025, ENTITLED: LOCAL LAW FOR CANNABIS ENFORCEMENT

RESOLVED, that Local Law Intro. No. 7 of 2025, entitled: Local Law for Cannabis Enforcement be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 7 OF 2025

LOCAL LAW FOR CANNABIS ENFORCEMENT

BE IT ENACTED, by the County Legislature of the County of Broome as follows:

Section 1 Local Law for Cannabis Enforcement

Section 1: Cannabis Law Violations

1. Any person who engages in any conduct prohibited by subdivision one or one-a of section one hundred twenty-five of the cannabis law, except to the extent that such subdivisions apply to cultivation, processing, cannabinoid hemp or hemp extract products, or subdivision one or eight of section one hundred thirty-two of the cannabis law, except as to the extent that such subdivisions shall apply to cultivation, shall be subject to a civil penalty of not less than one hundred dollars and not more than ten thousand dollars for each day during which such violation continues, with a maximum penalty of no more than twenty-five thousand dollars with respect to each civil summons, provided that any notice of violation and penalty may only be issued against the business that is conducting the unlicensed activity or an individual owner of the business. Upon default by reason of failure to appear on a designated hearing date or a subsequent date following an adjournment, and after a hearing, the penalty shall be ten thousand dollars with respect to each civil summons.
2. This section may be enforced by Broome County Sheriff's Office
3. Violations of this section may be adjudicated in a proceeding before a Broome County hearing officer. Any decision of such office imposing a civil penalty, whether the adjudication was had by hearing or upon default or otherwise, if any fine is unpaid it will be submitted to supreme court for a judgment in the same manner as the enforcement of money judgments entered in civil actions; provided, however, that no such judgment shall be entered which exceeds the sum of twenty-five thousand dollars.
4. The Broome County Sheriff's Office may move to amend any judgment to designate a judgment debtor by the correct legal name in accordance with the applicable procedures set forth in the New York State Civil Practice Law and Rules.
5. Prior to a hearing, a respondent shall furnish to the office of the Broome County Sheriff's Office within five days after a demand, or sooner if practicable where the hearing is scheduled less than five days from the date of demand, a verified statement setting forth the information specified in subdivision five of section seventeen of the cannabis law.
6. As used in this local law, the following terms shall have the following meanings: "unlicensed activity" shall refer only to unlawfully selling cannabis, cannabis product, or any product marketed or labeled as such without obtaining the appropriate registration, license, or permit therefor, or engaging in an indirect retail sale; "indirect retail sale" shall have the meaning provided for in subdivision forty-six-a of section three of the cannabis law, except that it shall not include cannabinoid hemp or hemp extract product.

Section 2: Authority to Conduct Regulatory Inspections

1. For the purposes of civil administrative enforcement of the provisions of this local law the Broome County Sheriff's Office may conduct regulatory inspections of any place of business where cannabis is sold or offered to be sold, where no registration, license, or permit has been issued pursuant to the Cannabis Law, in accordance with the procedures set forth in Section 3 this act.
2. For the purpose of detecting violations in accordance with the regulatory scheme set forth in Section 3 this Act, the Broome County Sheriff's Office shall inspect each place of business listed on the inspection roster compiled pursuant to paragraph 3 of this subdivision such that each place of business included on such roster, or a discrete geographic zone of such roster, is inspected at least annually, or on a more frequent periodic basis deemed appropriate by the Broome County Sheriff's Office, provided that:
 - (a) the Broome County Sheriff's Office is not required to conduct an inspection of a place of business during a period in which such place of business is either closed or sealed;
 - (b) the Broome County Sheriff's Office may prioritize inspections of places of business included on the inspection roster that the Broome County Sheriff's Office reasonably believes pose an imminent threat to public health, safety, and welfare, or if Broome County Sheriff's Office reasonably believes that conduct in violation of Section 1 of this act has continued after an initial investigation. In determining whether conduct poses an imminent threat to public health, safety, and welfare, the Broome County Sheriff's Office shall consider the totality of the factors set forth in subdivision 4 of section 138-b of the Cannabis Law, provided that any factor specified in such subdivision 4 shall be sufficient on its own to determine an imminent threat.; and
 - (c) in furtherance of the efficient use of enforcement resources, the Broome County Sheriff's Office may inspect any place of business included on the inspection roster that is within a reasonable vicinity of a place of business otherwise scheduled for inspection.
3. The Broome County Sheriff's Office shall create an inspection roster, which may be subdivided based on two or more discrete geographic zones, and include on such roster each place of business at which the Broome County Sheriff's Office reasonably believes cannabis is sold or offered to be sold, provided that no place of business shall be included on such roster for which a registration, license, or permit has been issued pursuant to the Cannabis Law or that is otherwise listed in the directory maintained by the New York State Office of Cannabis Management pursuant to subdivision 13 of section 11 of the Cannabis Law. Such reasonable belief may be established based on:
 - (a) observations of places of business by law enforcement officers or other agency representatives; complaints received in accordance with a procedure developed by the Broome County Sheriff's Office provided such complaints are subsequently substantiated by the Broome County Sheriff's Office or
 - (b) signage, statements and advertisements associated with a place of business.
4. Records of each inspection shall be maintained by the Broome County Sheriff's Office and shall be available for review.
5. Inspections authorized by this section shall only occur during the operating hours of a place of business.

6. Inspections may be conducted pursuant to this section in both the public and non-public portions of a place of business.
7. The provisions of this section shall neither be interpreted to limit any law enforcement officer from conducting law enforcement activity, including but not limited to issuing summonses pursuant to subdivision 11 of this section or orders pursuant to Section 3 of this local law, with respect to the portion of place of business that is open to the public nor be interpreted to limit any enforcement activity authorized under law when illegal activity is observed or occurs during an inspection conducted pursuant to this subdivision. The provisions of this section shall not be interpreted to limit any agency's authority to conduct inspections for any purpose where such inspections are authorized pursuant to a provision of law or rule other than subdivision 1 section 3 of this local law.
8. The Broome County Sheriff's Office shall consider all relevant available information in determining whether to remove a place of business from the inspection roster developed pursuant to this subdivision.
9. The penalty schedule applicable to violations of Section 1 of this local law shall be as follows:

Citation	Violation Description	Violation Penalty	Violation Default Penalty
Local Law [§ 3]	Any violation of subdivision a of § <u>7-551</u> by a place of business	\$10,000	\$10,000
Local Law [§ 3]	Any violation of subdivision a of § <u>7-551</u> by an individual owner of a place of business	\$10,000	\$10,000

10. [Each day in which the conduct described in the schedule above occurs or continues to occur shall constitute a distinct violation and be subject to penalty pursuant to such schedule.
11. Penalties imposed pursuant to each civil summons issued pursuant to this section shall be in addition to, and shall not be offset or modified by, any fines or penalties imposed pursuant to any other provision of law or rule, penalties imposed pursuant to other civil summonses issued pursuant to this section or any other remedies sought by the County of Broome. Notwithstanding any other provision of this subdivision, where the Broome County Sheriff's Office issues multiple violations of section 1 of this local law to a person or place of business pursuant to this section for conduct occurring over multiple days and such violations are issued pursuant to a single civil summons, the cumulative penalties that may be imposed pursuant to such civil summons shall not exceed \$25,000.
12. In each instance in which Broome County Sheriff's Office seizes cannabis or other related items, as appropriate, found in the possession of a person engaged in a violation of section 1 of this local law, the Broome County Sheriff's Office] shall:
 - a. serve a list of cannabis and other related items seized at such place of business and a tracking number associated with such items in the same manner as an order issued pursuant to subdivision 13 of this local law, provided that the Broome County Sheriff's Office is not required to post any such list or such

tracking number at such place of business, and only such tracking number is required to be included in any mailing made pursuant to this paragraph; and

b. store such cannabis and other related items in a secure location pursuant to a cataloging system determined by Broome County Sheriff's Office.

13. No later than 20 business days after issuance of the earliest notice issued pursuant to subparagraph a of subsection 12 of this section, an individual may petition in writing to the address or electronic address included on such list or mailing, as applicable, for the return of the cannabis or other related items seized and may provide reasons that such cannabis or other related items were neither offered for sale in violation subsection 1 of Section 1 of this local law nor used as instrumentalities in furtherance of a violation of such subsection.

14. No later than 20 business days after issuance of an order to cease prohibited conduct pursuant to paragraph a of subsection 2 of Section 3 of this local law, an individual may petition in writing to the address or email address included on such order challenging such order.

15. The Broome County Sheriff's Office shall respond in writing rejecting or accepting any petition made pursuant to either subsections 13 or 14 of this Section no later than 10 business days of receipt of such petition. Any order to cease prohibited conduct pursuant to paragraph a of subsection 2 of Section 3 of this local law shall remain in effect and all cannabis and other related items seized shall be retained during the period preceding such response.

16. The Broome County Sheriff's Office may destroy any seized cannabis or other related items 20 business days after:

- a. issuance of the earliest notice pursuant to subparagraph a of subdivision 12 of this Section, if no individual makes a petition within such time; or,
- b. issuance of a notice pursuant to subsection 15 of this section rejecting in whole or in part, as applicable, a petition made pursuant to paragraph 1 of this subdivision.

17. This section shall only apply to seizures made pursuant to this local law and shall not apply to a seizure made pursuant to any other provision of law, including but not limited to the seizure of tobacco, electronic cigarettes, or any item that is a controlled substance pursuant to state law.

18. Any response by the Broome County Sheriff's Office pursuant to subsection 15 of this Section and any notice of a determination with respect to continuation of an order to seal pursuant to subsection 2(b) of Section 3 of this Local Law shall be mailed to the address provided by the petitioner or respondent, as applicable, or if no such address is provided, to the address provided pursuant to subsection 7 of Section 3 of this local law.

Section 3: Procedures for Regulatory Inspections and Issuance of Building Seal Orders

1. The Broome County Sheriff's Office shall have the authority to conduct regulatory inspections of any place of business, including a vehicle used for such business, where cannabis, cannabis product, or any products marketed or labeled as such, are sold, or offered to be sold, where no registration, license, or permit has been issued pursuant to the cannabis law. For the purposes of this subdivision, "place of business" shall not

include a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or any private vehicle on or about the same such property, unless probable cause exists to believe that such residence, real property, or vehicle are being used in such business or commercial manner for the activity described herein. Any such regulatory inspection shall:

- a. only occur during the operating hours of a place of business;
- b. be conducted for purposes of civil administrative enforcement with respect to premises lacking applicable registrations, licenses or permits issued pursuant to the cannabis law, and in furtherance of the purposes of such law, provided that nothing herein shall limit any enforcement action under law when illegal activity is observed or occurs during such inspection; and
- c. be in accordance with procedures sufficient to ensure that any regulatory inspections are conducted in a reasonable manner, and that such procedures are administrative in nature, designed to detect administrative violations, in furtherance of the regulatory scheme established pursuant to this section, and designed to guarantee certainty and regularity of application.

2. The Broome County Sheriff's Office shall have the authority to:

- a. Order any person who is engaged in conduct prohibited by Section 1 of this local law to cease such prohibited conduct, provided that any such order to cease may only be issued against the business that is conducting the unlicensed activity or an individual owner of the business;
- b. Issue and execute an order to seal a building or premises where any person is engaged in conduct prohibited Section 1 of this local law and which either poses an imminent threat as described in subdivision four of section one hundred thirty-eight-b of the cannabis law or satisfies the conditions set forth in subdivision five of such section with respect to continuation of unlicensed activity upon a subsequent inspection. Such order to seal shall be served in the same manner as section one hundred thirty-eight-b of the cannabis law. Such order to seal shall be referenced in the civil summons issued pursuant to Section 1 of this local law. When such an order and civil summons have been issued, the Broome County Sheriff's Office shall have the same powers, authorities, and responsibilities as provided to the office of cannabis management pursuant to applicable provisions of section one hundred thirty-eight-b of the cannabis law not inconsistent with this chapter, provided that the return date of such civil summons, specifying the hearing date applicable to the civil summons and the sealing order, shall be within five business days of the issuance of such summons and order, or a later date requested by the respondent in accordance with the applicable rules of the Broome County Superior Court. The hearing officer of the Broome County Superior Court shall make a determination on such civil summons, which shall be deemed a final decision and shall also make a recommendation to the office of the Broome County Sheriff's Office with respect to whether such order to seal was properly issued in accordance with the provisions of this section. The Broome County Sheriff's Office shall thereafter make a determination with respect to continuation of such order to seal upon review of such recommendation. Such recommendation of the Broome County Superior Court and the determination of the office of the Broome County Sheriff's Office] shall be rendered within four business days of the conclusion of such hearing; and

- c. Seize and destroy, consistent with applicable law, any cannabis, cannabis product, or any product marketed or labeled as such, found in the possession of a person engaged in the conduct described in paragraph one of this subdivision in their place of business, including a vehicle used for such business, where an order as set forth in such paragraph one has been issued, providing the person is the business that is conducting the unlicensed activity or an individual owner of the business, and maintain documentation of the chain of custody of such seized products, and ensure that such products are properly stored, catalogued, and safeguarded until such time as they may properly be destroyed by Broome County Sheriff's Office.
- 3. Mutilation or removal of a posted order, posted notice, or secure padlock that is enforced or in place pursuant to this section shall be subject to a fine of not more than five thousand dollars or by a class B misdemeanor, or both, provided such order or notice contains notice of such penalty, and shall be referred to the district local district attorney for enforcement.
- 4. The provisions of this section shall not apply to any premises or entity that is listed in the directory maintained by the Office of Cannabis Management pursuant to subdivision thirteen of section eleven of the cannabis law. Further, the Broome County Sheriff's Office, or such agency's designee shall serve as the liaison to the Office of Cannabis Management to ensure that updates to such directory are immediately incorporated into the local inspection process and shall coordinate with such office on efforts to inspect unlicensed businesses and related enforcement efforts. The Broome County Sheriff's Office or other designee shall:
 - a. send bi-weekly reports to the Office of Cannabis Management, in the manner and format prescribed by such office, detailing recent enforcement efforts undertaken pursuant to this section, including the number and location of inspections conducted, notices of violation issued, and orders to seal issued and executed, and the amount and nature of any cannabis, cannabis products, or products marketed or labeled as such that were seized pursuant to this section;
 - b. serve as the primary contact for the Office of Cannabis Management in connection with the training program of such office and the sharing of materials made available to the Broome County with respect to inspection and enforcement pursuant to this section and other applicable law; and
 - c. file with the Office of Cannabis Management any regulations and procedures developed or adopted relating to the implementation of this section and Section 1 of this local law, as well as any subsequent local laws implementing section one hundred thirty-one of the cannabis law.
 - d. The Broome County Sheriff's Office may seek to enforce such order by seeking injunctive relief, including through an action pursuant to section sixteen-a of the cannabis law.
- 5. Notwithstanding any inconsistent provision of law, the Broome County Sheriff's Office may designate personnel of other agencies of Broome County to implement powers granted to such office pursuant to this local law if such office determines that additional resources are necessary for the effective implementation of such powers, provided that no such designation pursuant to this subdivision shall confer peace or police officer status on any such designated personnel who do not otherwise have such status.

6. The Broome County Sheriff's Office shall establish a system for receiving complaints of unlicensed activity by any business within Broome County
7. Any orders issued pursuant to this section shall be served by delivery of the order to the owner of the business or other person of suitable age or discretion in actual or apparent control of the premises at the time of the inspection and shall be posted at the building or premises that have been sealed, secured and closed. A copy of the order shall also be mailed to any address for the owner of the business at any address provided by the person to whom such order was delivered pursuant to this subdivision.

Section 2 This Local Law shall take effect immediately and upon filing with the Secretary of State