



THIS WEEK IN NEW YORK

COVERING NEW YORK & CITY GOVERNMENT

JUNE 14, 2024 EDITION

"Obstacles don't define us. Rather, it is the unparalleled courage and character of us that defines us as a people. So my confidence in the future is steeped in our glorious past - in the face of adversity, we always persist. We persevere, we prevail." Governor Kathy Hochul



In the News-New York State

Office of
Cannabis
Management



Cannabis Update: Home Cultivation is Now Legal in New York State for Adults 21+

The NYS Cannabis Control Board this week approved a resolution to adopt regulations for the personal home cultivation of cannabis, enabling adults aged 21 and older in New York State to cultivate cannabis at home effective June 11th. The approval followed a 60-day comment period.

Under the regulations, a person can grow up to three (3) mature and three (3) immature plants at any one time, but no residence can have more than six (6) mature and six (6) immature plants.

In addition, individuals can have up to five (5) pounds of trimmed cannabis and the equivalent weight in concentrates in or on the grounds of their private residence. Individuals can carry and transport up to three (3) ounces of cannabis and 24 grams of concentrates within the state.

Per the regulations, cannabis can be grown in residences that are owned or rented, including a room, home, apartment, mobile home, co-op or other residential spaces. Landlords can only refuse to lease space to or penalize a tenant if they risk losing federal benefits.

Cannabis seeds can be purchased from commercial retailers. Immature plants can be purchased from New York licensed dispensaries, microbusinesses, or other entities authorized by the Office of Cannabis Management. The office has published guidelines outlining [rules for home cultivation and processing](#).

Also this week, Governor Kathy Hochul made new leadership appointments to the Office of Cannabis Management. According to the Governor, these appointments put in place a leadership team that will implement changes to end the bottleneck of license applicants, improve communication with applicants and licensees, and reaffirm the agency's commitment to the social equity goals codified in the Marihuana Regulation and Taxation Act. The appointments are:

Felicia A. B. Reid has been appointed Executive Deputy Director and Acting Executive Director. In this role, she will oversee office operational and regulatory functions including licensing, compliance and enforcement. She will manage the implementation of the OCM Assessment Team's recommendations. She was previously Deputy Commissioner at the Office of Children & Family Services.

Susan Filburn has been appointed Chief Administrative Officer. This new position will focus on stabilizing and formalizing administrative functions of the agency to support licensing, compliance and enforcement operations. She will also work closely with the licensing and technology teams to implement process improvements to streamline the license review process and improve responsiveness. She served as Deputy Commissioner of Employment Security at the Department of Labor.

Jessica Woolford has been promoted to the position of Director of External Affairs. In this role, she will ensure that communication and community engagement are prioritized as the agency implements change. She will also build out the agency's first customer service team to provide transparency to applicants, licensees, and consumers about the agency's processes and the marketplace. She previously served as Director of Communications at OCM.

Meanwhile, more than two dozen New York City retailers have filed a federal class action against the City of New York alleging that enforcement of a new policy investigating stores for selling cannabis without a license has resulted in the unconstitutional closing of hundreds of businesses.

New York City's "Operation Padlock to Protect Plan," included as part of the recently approved FY2024 budget, includes a "Cannabis Emergency Rule" that enables the City Sheriff's Office to conduct inspections of businesses selling weed without proper registration, licenses, or permits under the NY State Cannabis Law and close them that same day. Store owners are entitled to hearings with the city's Office of Administrative Trials and Hearings (OATH) within five days of a raid. The lawsuit filed in a Brooklyn federal court asserts that allowing the sheriff's office to immediately close and seal businesses suspected of selling cannabis without a license violates owners' due process rights.

In response to the suit, the Adams Administration released the following statement: "The Adams administration has been clear that the purpose of 'Operation Padlock to Protect' is to close down illegal cannabis and smoke shops to protect New Yorkers and better support the legal market by allowing justice-impacted and other legal cannabis business owners to thrive. With over 350 shops sealed thus far, we have

made progress to protect our communities from dangerous, illegal products while helping to create a path to a thriving legal market.”



Bills Passed by Both Houses



A860 Sponsored by AM Gibbs/Senator Cleare -- Authorizes the Department of Economic Development to give a preference to any tourist promotion agency that is promoting the sport of stickball.

A2898A Sponsored by AM Carroll/Senator Hoylman-Sigal -- Requires insurance policies to cover neuropsychological exams for dyslexia under certain circumstances.

A6244C Sponsored by AM Stern/Senator Martinez -- Authorizes the Commissioner of Parks, Recreation and Historic Preservation to issue rules, regulations and programs necessary to accommodate dogs.

A8947C Sponsored by AM Reyes/Senator Ramos -- Establishes the retail worker safety act requiring retail worker employers to develop and implement programs to prevent workplace violence.

S885C Sponsored by Senator Hinchey/AM Fahy -- Creates a registration system for short term rentals in New York State and allow for the collection of sales tax & applicable occupancy tax generated from these rentals to the state and localities.

S2129B Sponsored by Senator Krueger/AM Dinowitz -- Establishes the climate change adaptation cost recovery program.

S2852A Sponsored by Senator Skoufis/AM Lupardo -- Authorizes the direct intrastate and interstate shipment of liquor, cider, mead, and braggot; relates to direct shipments of wine.

S3105A Sponsored by Senator Mannon/AM Seawright -- Requires the Commissioner of the Office for People with Developmental Disabilities to submit a report detailing the state-operated residential facilities serving individuals with developmental disabilities, the staff delivering services and the hiring of new staff at these residential facilities.

S5081C Sponsored by Senator Ramos/AM Bronson -- Establishes the warehouse worker injury reduction program.

S7676B Sponsored by Senator Ramos/AM Weinstein -- Establishes requirements for contracts involving the creation and use of digital replicas.

S8479A Sponsored by Senator Myrie/AM Solages -- Requires payment card networks to use certain merchant category-codes for firearm and ammunition dealers.

S9673A Sponsored by Senator Addabbo/Rules (AM Pretlow) -- Relates to the acceleration of the downstate casino licenses.

A9849 Sponsored by Senator Comrie/Rules (AM Braunstein) -- Authorizes the use of certain alternative project delivery methods for the New York city public works investment act.



Comptroller DiNapoli: State Agency Overtime Costs Decreased 11.6% in 2023, First Decline Since 2016

New York State agency overtime costs in 2023 were \$1.2 billion, down 11.6% from 2022, marking the first decrease in total overtime earnings since 2016, according to a [report](#) by State Comptroller Thomas DiNapoli.

The decrease was led by declines in overtime hours at three of the five agencies that are historically the largest overtime users. This drop in overtime earnings also corresponded with declining responsibilities for emergency response to the COVID-19 pandemic and an overall increase in the size of the state workforce for the first time since 2019, growing by 2.5% in 2023.

“State agencies should ensure that overtime use is justified, and services are provided safely and effectively,” Comptroller DiNapoli said. “New York state’s workforce helped us get through the toughest times during the pandemic and the state needs to continue its efforts to attract and retain a range of diverse employees, especially in the context of a competitive job market.”

Key Findings:

- Three large agencies accounted for about two-thirds of the state’s overtime hours in 2023. The Department of Corrections and Community Supervision (Corrections), the Office for People with Developmental Disabilities (OPWDD), and the Office of Mental Health (Mental Health) comprised 23.6% of the workforce but accounted for 68.7% of the overtime hours. A 16.4% (almost 870,000 hours) rise in overtime hours at Corrections was a large driver in the 2.5% total growth in total state agency overtime hours in 2023.
- There were significant decreases in overtime hours in 2023 at the Department of Labor (74%) and the Department of Health (38.1%), which both had primary responsibilities for relief during the pandemic, and a drop in related earnings at OPWDD (27.5%, \$101 million), Mental Health (27.8%, \$68.5 million) and the State University of New York (SUNY, 31.2%, \$44.1 million) contributed the most to the total overtime earnings decrease in 2023.
- More than 66% of overtime earnings in 2023 were concentrated at three agencies that manage institutional settings: Corrections, OPWDD, and Mental Health, with overtime earnings in 2023 of \$353 million, \$266.7 million, and \$177.5 million, respectively.

In 2023, total state payroll costs were \$19.3 billion, with overtime totaling \$1.2 billion. Overtime earnings as a share of total payroll grew from 4.3% in 2014 to 6.2% in 2023, as total overtime hours increased over this period by 6.78 million hours, or 42.6%. Pay rates also increased during this time, contributing to a growth of almost 82% in overtime earnings, from \$661 million in 2014 to \$1.2 billion in 2023, or a 7.8% average annual increase. In 2023, overtime as a share of payroll was at its second highest rate since 2007.

Corrections represented close to 6.2 million hours, or over 27% of all state agency overtime hours; OPWDD more than 6 million hours, 26.6%; and Mental Health nearly 3.4 million hours, or almost 15%.

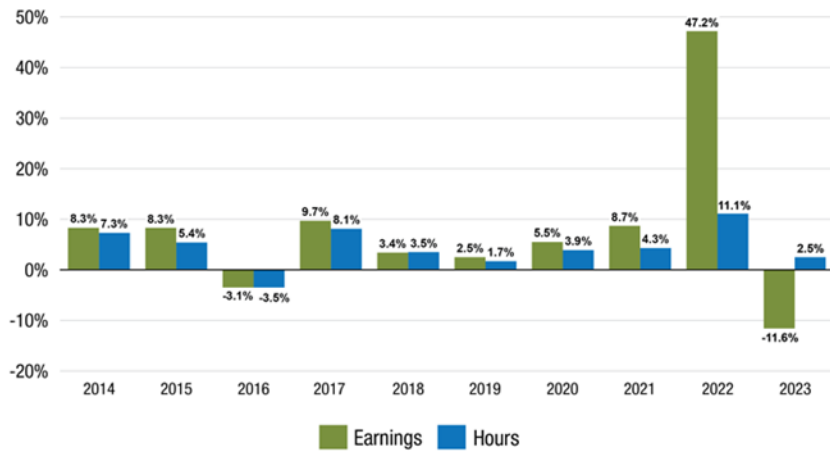
State Workforce Trends

During the 10-year period analyzed by this report, the average annual number of employees working for the state, not including SUNY and City University of New York (CUNY), declined from 156,752 employees in 2014 to 142,396 in 2022. In 2023, the workforce increased for the first time since 2019, up 3,583 positions from the previous year, to almost 146,000.

This aggregate growth in the state workforce reflects actions taken by the state in the last two fiscal years to rebuild its workforce. Overall, the reduction in overtime earnings has coincided with this shift. Data from 2022 further indicate that attrition has slowed while new hiring has increased; however, attrition continued to outpace new hiring.

In 2022, 16,211 people left the state workforce. As job opportunities increased with the recovery from the pandemic, the number of employees leaving for reasons other than retirement grew significantly in 2021 and 2022.

Annual Percent Increase in Overtime Hours and Earnings, 2014-2023



In the News-New York City



**Adams Administration Details
State Legislature’s Passage of City’s
Priority Bills**

New York City Mayor Eric Adams this week applauded the passage of several key pieces of legislation that his administration prioritized in the state legislative session, including bills to make the city’s streets safer, improve micromobility, protect children from addictive social media feeds, and make it easier to build public infrastructure.

The Mayor explained that these “wins” build upon the State FY2024 budget “victories,” including growing New York City’s affordable housing supply and protecting tenants, providing municipalities with the enforcement tools to shut down illegal smoke and cannabis shops, expanding mayoral accountability in New York City public schools, and allocating \$2.4 billion to support with the migrant crisis.

Legislative priorities of the Adams administration passed in the 2023-2024 legislative session include:

- **Reauthorizing and Expanding the Red-Light Camera Program (S.2812/A.5259):** To reauthorize and expand the city’s red-light camera program for three years and from 150 cameras to 600 citywide.
- **Alternative Delivery (S.9849/A.10543):** To authorize the use of certain alternative project delivery methods for the New York City public works investment act to provide more flexibility in building public infrastructure.
- **Stop Addictive Feeds Exploitation for Kids (SAFE) Act (S.7694-A/A.8148-A):** Prohibits the delivery of addictive feeds to minors under 18 by addictive social media platform without parental consent, and prohibits social media platforms from withholding non-addictive feed products or services when that consent is not obtained.
- **Removing the Requirement for Minimum Wage Floor for Childcare (S.4924/A.1303):** Prohibits requiring parents or caretakers to earn a minimum wage to be eligible for childcare assistance.
- **E-Mobility/E-Bicycle Battery Safety:** In 2023, Mayor Adams announced an [electric micromobility action plan](#) to protect New Yorkers from fires caused by lithium-ion batteries and promote safe electric micromobility usage. The following bills related to micromobility were passed:
 - **Moped and Motorcycle Registration (S.7703-B/A.8450-B):** Requires limited use motorcycles be registered at the point of sale.
 - **Rebate and Trade-In (S.6809-B/A.6811-C):** Provide rebates or new lithium-ion batteries for powered mobility devices at reduced cost or no cost to certain individuals.
 - **Certification (S.154-F/A.4938-D):** Prohibits the sale of lithium-ion batteries used in micromobility devices, bicycles with electric assist, or limited use motorcycles unless such batteries are manufactured in accordance with certain standards and specifications.
- **Public Hearing Threshold (S.7383-A/A.8864-A):** Amends contract public hearing requirements to instead mandate the completion of a “public notice” submitted electronically through the city record online.
- **FDNY Blood Transfusion (S.6226-A/ A.5789-A):** Provides for availability of ambulance services and advanced life support for first response service to store and distribute blood and initiate and administer blood transfusions.
- **Veterans Tuition Assistance Program (S.8596-A/ A.9205-A):** Expands eligibility under the veteran’s tuition awards program to all New York resident veterans, regardless of combat service.

- **Senior Citizen Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) Data Reconciliation Clean Up (S.9785/A.10411):** Relates to assessments for certain real property tax exemptions to include years where there is sufficient data to determine an applicant's eligibility for exemptions.

Briefs

Governor Considers NYC Subway Mask Ban

Governor Kathy Hochul is considering a partial mask ban for New York City's subways, as the number of antisemitic hate crimes increases.

"We will not tolerate individuals using masks to evade responsibility for criminal or threatening behavior," Governor Hochul said, in published reports. "My team is working on a solution, but on a subway, people should not be able to hide behind a mask to commit crimes."

New York City Mayor Eric Adams has also urged city and state officials to reintroduce a mask ban at protests.

New York's decades-long ban on masks was rescinded during the pandemic.

9/11 First Responders with Severe Debris Exposure Have Higher Risk of Dementia, Stony Brook University Study Finds

Researchers at Stony Brook University found that severe exposure to building debris was significantly associated with a higher risk of dementia before age 65 in 9/11 responders as compared to responders who had limited exposure or wore personalized protective equipment such as masks or hazmat suits.

Between 2014 and 2023, researchers with Stony Brook University followed more than 5,000 World Trade Center responders aged 60 and younger who didn't yet have any signs of dementia at the time of their first cognitive assessment. Participants were questioned on how long they were exposed to debris from the buildings that collapsed and whether they were around a lot of dust and were wearing protective equipment.

The researchers identified 228 cases of dementia among the participants and found that the likelihood of developing early onset dementia, with symptoms before the age of 65, increased depending on the intensity of their level of exposure to debris.

Participants with the highest level of exposure, responders who worked in dusty locations at or near Ground Zero for 15 weeks or longer, were most likely to develop early onset dementia. The likelihood was much lower for those who worked in environments with less dust or who regularly wore personal protective equipment, according to the study.

Per the study, compared with the general population, participants in the mild exposure group were approximately 12 times more likely to develop early onset dementia and those in the severe exposure group were approximately 42 times more likely.

NY DMV Launches New York Mobile ID

The New York State Department of Motor Vehicles this week launched the New York Mobile ID, a secure digital version of a state-issued driver license, learner permit or ID on a smartphone.

The Mobile ID is a voluntary product designed for the convenience and security of New Yorkers and is available to IOS and Android users. Anyone who has a valid, state-issued driver license, learner permit or non-driver ID can download the secure Mobile ID app through Google Play or the App Store.

Through a partnership with the Transportation Security Administration (TSA), the New York Mobile ID (MiD) will be accepted at TSA security checkpoints at nearly 30 participating airports across the country including all terminals at LaGuardia and John F. Kennedy airports. This will allow New Yorkers to verify their identity easily and securely for airport security screening.

Attorney General James Helps Secure \$700 Million from Johnson & Johnson Over Products that Contained Talcum Powder

New York Attorney General Letitia James and a bipartisan coalition of 42 attorneys general this week secured \$700 million from Johnson & Johnson (J&J) for deceptively marketing and selling baby powder and body powder products that contained dangerous talcum powder. New York will receive \$44 million from the consent judgment with J&J.

In addition, J&J agrees to permanently stop manufacturing, selling, promoting or distributing any products containing talcum powder either directly or through a third party in the United States.

J&J sold baby powder and body powder products containing talcum powder in New York and across the country for decades. Talcum powder products pose significant health risks, including links to cancer, primarily due to potential asbestos contamination, a known carcinogen. J&J's products that contained talcum powder included, but were not limited to, Johnson's Baby Powder and J&J's Shower to Shower. After the coalition of states began investigating, the company stopped distributing and selling these products in the United States in 2020.

U. S. Supreme Court Rules Ban on Gun Bump Stocks is Unlawful

The United States Supreme Court ruled today that a federal ban on bump stocks, gun accessories that allow semiautomatic rifles to fire more quickly, is unlawful.

In a 6-3 [ruling](#), the Court held that the law aimed at banning machine guns cannot legitimately be interpreted to include bump stocks, according to published reports. Writing for the majority, Justice Clarence Thomas said that a firearm equipped with the accessory does not meet the definition of "machinegun" under federal law.

Coming Up

New York State

Tuesday, June 18th

NYS Department of Labor Apprenticeship & Training Council Meeting,
Harriman State Office Campus, Building 12 Rooms D and E, 11 a.m.

DASNY Audit Committee Meeting, 515 Broadway, Albany, 9:30 a.m.

DASNY Finance Committee Meeting, 515 Broadway, Albany, 9:30 a.m.

DASNY Board Meeting, 515 Broadway, Albany, 9:30 a.m.

New York City

Tuesday, June 18th

Committee on Finance, Committee Room – City Hall, 10 a.m.

Committee on Health, 250 Broadway – Committee Room, 16th Floor, 10 a.m.

Committee on Oversight and Investigations, Council Chambers – City Hall, 10 a.m.

Committee on Environmental Protection, Resiliency and Waterfronts,
250 Broadway – Council Chambers, 14th Floor, 10 a.m.

Committee on Parks and Recreation, Committee Room – City Hall, 1 p.m.

Committee on Veterans, 250 Broadway – Committee Room, 14th Floor, 1 p.m.

Committee on Education, Council Chambers – City Hall, 1 p.m.

Thursday, June 20th

Committee on Committee on Rules, Privileges and Elections, Committee Room, 10 a.m.

Committee on Finance, Committee Room – City Hall, 10:30 a.m.

City Council Stated Meeting, Council Chambers – City Hall, 1:30 p.m.

Friday, June 21st

Committee on Consumer and Worker Protection, Council Chambers – City Hall, 10 a.m.



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