

Similarities Between New York's Alcohol Beverage Law and the Cannabis Law

In developing the adult-use component of its Cannabis Law, New York did not start from scratch. While legislators drew from legalization efforts in other states, there are some striking similarities with New York's Alcohol Beverage Law.

	ALCOHOL BEVERAGE LAW	CANNABIS LAW
Multi-Tier System	Consists of three tiers: manufacturers, wholesalers and retailers	Consists of four tiers: cultivators, processors, distributors and retailers
Ownership Across Tiers	Manufacturers and wholesalers may not have any interest, whether direct or indirect, in any retailer and vice versa Notable exception: retail privileges are granted to craft manufacturers	Cultivators, processors and distributors may not have any interest, whether direct or indirect, in any retailer and vice versa Notable exception: registered organizations (i.e., medical dispensaries) and microbusiness have limited retail privileges
Proximity to Certain Buildings	No retail location may be within 200 ft. of any school or place of worship	No retail location may be located within 200 ft. of any place of worship or 500 ft. of any school
Municipality Notice	On-premises locations must provide notice to the municipality at least 30 days prior to filing an application	All retail locations must provide notice to the municipality at least 30 days prior to filing an application
Signage	No sign advertising any brand of liquor or wine is permitted on the exterior or interior of any off-premises location except as permitted by the State Liquor Authority	No sign advertising any brand is permitted on the exterior or interior of any retail dispensary except as permitted by the Cannabis Control Board
Gaming and Other Prohibited Activities	Gambling, fighting, nudity, etc. are not permitted at any on-premises location	Gambling, fighting, nudity, etc. are not permitted at any on-premises consumption location Additionally, gambling is not permitted at any retail dispensary



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Ready to Explore a Cannabis Business?

The cannabis industry offers exciting opportunities as well as potential challenges for established businesses and startups in New York State. In this rapidly growing industry, HSE attorneys leverage years of relevant experience and a full spectrum of counsel to provide sophisticated and trusted legal services.

We have a long history of successfully representing businesses in highly regulated industries and are well qualified to counsel clients across many sectors impacted by the cannabis industry. For decades we have helped clients navigate federal and New York State regulatory agencies, including the State Liquor Authority and Division of Alcoholic Beverage Control, under which the Office of Cannabis Management falls. We have assisted with entity formation, streamlining the licensing process, trade practices, tax implications, and more. For many clients we take care of all the necessary forms and obstacles, so they can focus on what they do best—running their business.

The members of Harter Secret & Emery's Cannabis Law team come from a combination of practice areas, including alcohol beverage, government affairs, health care, higher education, intellectual property, land use and zoning, labor and employment, real estate, and tax. Our full-service approach and knowledge provide reliable counsel to developers, entrepreneurs and start-up entities, investors, growers, processors, distributors, and retailers in this evolving industry.

Our Experience:

- Licensing and regulatory compliance
- Entity formation and restructuring
- Corporate and financing transactions
- Labor and employment, including union campaigns
- University research opportunities
- Real estate, land use and zoning
- Government advocacy and lobbying
- Intellectual property protection
- Health care and long-term care regulations
- Tax planning and strategy
- Litigation and investigations

For More Information

Contact a Harter Secret & Emery team member below:



Thomas R. Anderson
Partner

tanderson@hselaw.com
585.231.1106



Joseph G. Casion
Partner

jcasion@hselaw.com
585.231.1407



Michael Roche
Senior Associate

Featured Speaker
at the Rochester
Cocktail Revival
mroche@hselaw.com
585.231.1364



Harter Secret & Emery LLP

ATTORNEYS AND COUNSELORS

Rochester • Buffalo • Albany • Corning • New York City

hselaw.com