

A choice on legalization

LI leaders weigh local recreational marijuana plans

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Municipalities on Long Island and across New York State are pondering an opportunity to opt out of a program to legalize recreational marijuana sales after Gov. Andrew M. Cuomo proposed that option during his State of the State address Tuesday.

Cuomo's proposal, included in his \$175.2 billion budget proposal for 2019-20, allows counties and cities with more than 100,000 residents the ability to opt out of a statewide program to legalize recreational weed.

Municipal officials on Long Island, some anxious about the prospect of legalization, say they need more information about the proposals and are studying whether to opt out.

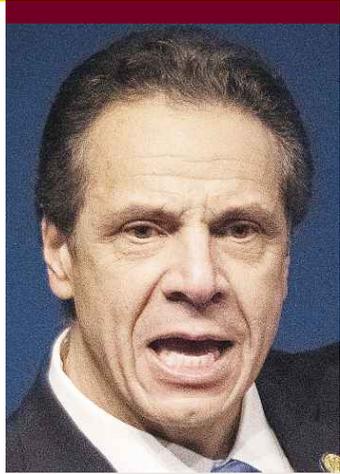
Nassau County Executive Laura Curran said, "we would have to take a very hard look at certain aspects" of the state's opt-out proposal.

"Marijuana legalization is really a regional issue, and if we, as the county, opt out and our surrounding counties do not, we will still have people getting high and we would still have the public safety, the traffic issues that will bring," said Curran, a Democrat.

Given the mental health and substance abuse issues Nassau would confront due to legalization, if the county were to opt-out, "we wouldn't have the sales tax revenue, we wouldn't have those resources available to then work on," such issues, she said.

"We would have the problem . . . without the revenue to offset those problems, and that's something we need to really look at and think about," said Curran, who said she is exploring dedicating sales tax revenue from marijuana sales to fund law enforcement, mental health and substance abuse services.

But Nassau's legislative presiding officer Richard Nicoletto (R-New Hyde Park) said: "I definitely support an opt-out for municipalities. Local governments should be able to make the decision for their residents



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— Gov. Andrew Cuomo



HOWARD SCHNAPP

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JAMES ESCHER

“I think it’s good for us to have the ability to [opt out] if that’s ... in the county’s best interests.”

— Suffolk Legis. DuWayne Gregory

as for whether they want recreational marijuana sold in their communities. We will definitely take a very hard look at it and perhaps it's something we might want to do."

Neighboring municipalities that opt-out should have no bearing on Nassau's decision, Nicoletto said.

"I think if you opt out because you feel there are problems with recreational marijuana, then not getting the revenue should not be an issue. It should not be about money," he said.

"If it's not good for Nassau County residents, I would not be concerned what Suffolk or New York did," said Nicoletto. "We just have to decide what's good for our residents."

Speaking about legalization in an interview Thursday on "The Brian Lehrer Show" on WNYC, Cuomo said, "This is a controversial area. Some people think it's a no-brainer, so to speak, some communities have real concerns. And my opinion is democracy still exists, especially on an issue like this where people have valid differences of opinion."

He continued, "Our proposal

says everybody's in unless you affirmatively take a vote and opt-out."

Cuomo's opt-out proposal got a chilly reception from some progressive Democrats.

Legalization advocates say minorities have borne the brunt of marijuana arrests, despite studies showing whites and minorities consume the drug at about the same rate.

"A marijuana legalization proposal that allows counties & large cities to 'opt-out' of the regulations that could empower directly impacted communities is unacceptable," State Sen. Julia Salazar, a Democrat who represents parts of Brooklyn, tweeted last Tuesday. "New Yorkers have been enormously harmed by criminalization. Alleviating that harm must be our top priority."

Cuomo in his budget address Tuesday pressed for steering marijuana manufacturing and operations to minority communities.

"Let's create an industry that serves the community that paid the price and not rich corporations," Cuomo said.

Jeffrey Reynolds, president

and chief executive of the Family and Children's Association in Mineola, who served on Cuomo's regulated marijuana work group, said the opt-out proposal is worth considering.

"Communities are very sensitive to these new businesses coming in, and what it might mean for an area, and quite frankly, they're not wrong," Reynolds said.

Also, he said, if communities "rush" to opt out, "does the last community to move on this become the community where all of the pot stores are located? I'm not sure that's good for community development, either."

Reynolds argued that, ideally, the opt-out is reduced down to the town level to make that decision. "I think this decision made at a county level involves just too large of an area, too many diverse communities, and too large a population," he said.

The North Hempstead Town board on Jan. 8 banned the retail sale of recreational marijuana. Asked about a possible opt-out, Supervisor Judi Bosworth, a Democrat, said, "It's kind of like the cart before the horse. We in fact already

have passed legislation to say retail cannot be sold in the town. . . . I think that's pretty much an opt out."

"Right now, this was what was right for us," Bosworth said. "If it is something, that at some later date needs to be revisited, it can always be revisited, but right now this is the right thing for us."

Asked whether the town believes the state budget proposal calling only for counties and cities to be able to opt out would invalidate the town law, town spokeswoman Carole Trottere said, "The town is currently reviewing the drafted legislation."

Robert Bruno, a professor and director of the Labor Education Program at the University of Illinois, said generally when laws governing significant issues such as the minimum wage and earned sick time and family leave vary by municipality, the consequences are "found to be really chaotic, not productive."

Such circumstances create, "a lot of business instability where businesses aren't sure what rules they're operating under," Bruno said.

Jason Elan, a spokesman for Suffolk County Executive Steve Bellone, said, "we are reviewing the Governor's proposal."

Suffolk Legis. DuWayne Gregory (D-Copague), the presiding officer, said the county probably would form a task force on legalization similar to one Nassau formed earlier this month.

As for opting-out, Gregory said he hadn't, "made a determination as to that yet. I think it's good for us to have the ability to if that's something we think is in the county's best interests."

Hempstead Town Supervisor Laura Gillen called the recreational opt-out proposal, "a way to say I'm going to do this, you can decide for yourself," but said she had to discuss the issue with town board members.

Huntington Town Attorney Nick Ciappetta said his office "has been studying the possible ramifications of the legalization of marijuana." But he said: "It's premature to discuss as the legislation has not passed and we have yet to see language in a draft bill. If and when marijuana becomes legalized we will evaluate our legislative options."

