

"P" 12 (2021)

Albany, New York

May 3, 2021

TO: All Enforcement Agencies

SUBJECT: Chapter 92 of the Laws of 2021-Consumption of Cannabis in a Motor Vehicle

Effective March 31, 2021, Chapter 92 of the Laws of 2021 amends Vehicle and Traffic Law (VTL) §1227(1) to include the consumption of cannabis in a motor vehicle.

For enforcement and statistical purposes, please use new violation code 12271Z when a violation of VTL §1227(1) relates specifically to the consumption of cannabis in a motor vehicle.

For consumption of alcohol and/or open container violations, please continue to use violation code 12271.

Please use the new violation code for VTL §1227(1) cannabis consumption tickets until eTicket software is updated to reflect this change in the law. You should continue to use eTickets for VTL §1227(1) violations for consumption of alcohol and/or open container.

A copy of the relevant amended subdivision of Vehicle and Traffic Law is attached for reference. Please share this information with appropriate staff. Thank you.

Mark J.F. Schroeder
Commissioner

Attachment

LAWS OF NEW YORK, 2021

CHAPTER 92

§ 33-a. Subdivision 1 of section 1227 of the vehicle and traffic law, as amended by section 3 of part F of chapter 60 of the laws of 2005, is amended to read as follows:

1. The drinking of alcoholic beverages **or consumption of cannabis**, or the possession of an open container containing an alcoholic beverage, in a motor vehicle located upon the public highways or right-of-way public highway is prohibited. Any operator or passenger violating this section shall be guilty of a traffic infraction.

The provisions of this section shall not be deemed to prohibit the drinking of alcoholic beverages, **the consumption of cannabis by means other than burning**, or the possession of an open container containing an alcoholic beverage by passengers in passenger vehicles operated pursuant to a certificate or permit issued by the department of transportation or the United States department of transportation. Furthermore, the provisions of this section shall not be deemed to prohibit the possession of wine which is: (a) resealed in accordance with the provisions of subdivision four of section eighty-one of the alcoholic beverage control law; and (b) is transported in the vehicle's trunk or is transported behind the last upright seat or in an area not normally occupied by the driver or passenger in a motor vehicle that is not equipped with a trunk.