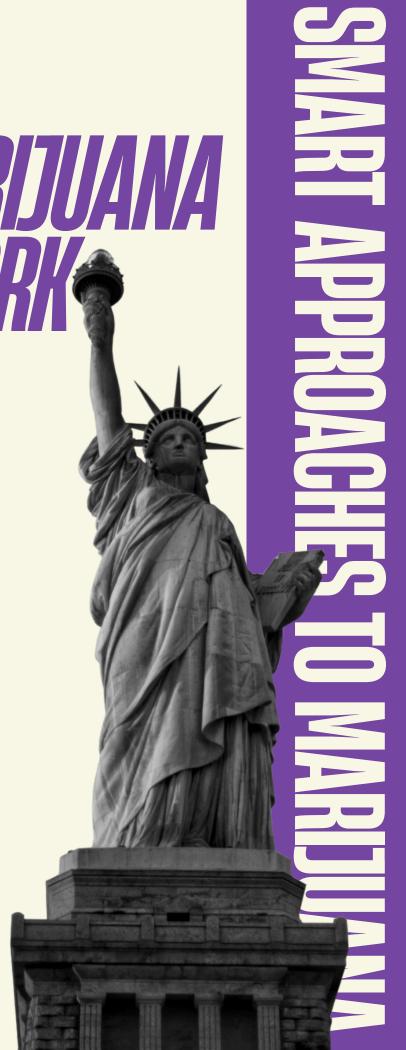
LEGAL MARJUANA
IN NEW YORK
STATE

PROMISES, REALITY, AND THE PATH FORWARD

NOVEMBER 2025

A REPORT COMPILED BY:





Legalization was sold to the people of New York as a safe, healthy, crime-reducing policy.

Instead, New York's regulatory framework continues to fail the public in several key areas, as evidenced by increases in marijuana use and related harms, as well as an exacerbation of racial inequities and an expansion of the illicit market.

Then-Governor Andrew Cuomo's blue-ribbon panel on the issue concluded in July 2018 that "the positive effects of a regulated marijuana market in New York State outweigh the potential negative impacts. Areas that may be a cause for concern can be mitigated with regulation and proper use of public education that is tailored to address key populations." This endorsement was quickly exploited by supporters of legalization, including the forprofit marijuana industry that was eager to expand into the Empire State. New York's legislature legalized recreational marijuana in March 2021, and sales officially began in December 2022.

More than four years later, as tax revenue from the legal sale of the drug in New York has surpassed \$1 billion, where are we?

MARIJUANA USE BY ADULTS

Let's begin by examining one of the chief claims made in that blue-ribbon report: that "some states that have a regulated marijuana program have seen a slight increase in adult use, while other states have seen no increase at all." The clear implication is that this profound alteration to the law would have zero or only a minor effect on the health and safety of New Yorkers.

According to New York's Behavioral Risk Factor Surveillance System (BRFSS), which includes data on individuals aged 18 or older, the prevalence of past-month marijuana use increased from 12.6% in 2021¹ to 14.7% in 2023². The BRFSS also found that the prevalence of:

- non-daily marijuana use increased from 6.8% in 2021 to 8.0% in 2023
- daily or near-daily marijuana use increased from 5.9% in 2021 to 6.7% in 2023

According to the National Survey on Drug Use and Health³, among New Yorkers aged 21 or older, the prevalence of:

- past-year marijuana use increased from 22.9% in 2021–2022 to 23.2% in 2022–2023
- marijuana use disorder increased from 5.1% in 2021–2022 to 6.1% in 2022–2023

Marijuana use has been increasing throughout New York State, and the most concerning increases have involved the heaviest users.

MARIJUANA USE BY MINORS

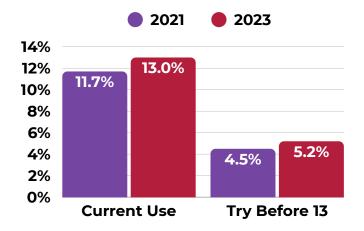
In New York State, the use and possession of recreational marijuana remain illegal for individuals younger than 21. Though youth use had been declining prior to legalization—and remains below pre-Covid levels—early evidence suggests that this trend has reversed. According to the National Survey on Drug Use and Health³, among those between the ages of 12–20 in New York, the prevalence of:

- past-year marijuana use increased from 18.5% in 2021–2022 to 19.2% in 2022–2023
- marijuana use disorder increased from 6.9% in 2021–2022 to 7.6% in 2022–2023

The CDC's Youth Risk Behavior Survey⁴ provides a look at changes at the local level. Among high school students in New York City,

- current marijuana use (use in the past 30 days) increased from 11.7% in 2021 to 13.0% in 2023
- the percentage that tried marijuana before age 13 increased from 4.5% in 2021 to 5.2% in 2023

Current Marijuana Use Among High School Students in New York City in 2021, 2023; Percentage of High School Students in New York City Who Tried Marijuana Before Age 13 in 2021, 2023⁴

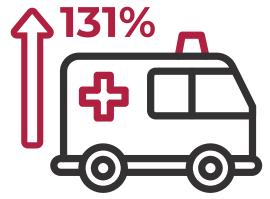


Though the blue-ribbon report⁵ noted that "there is little evidence that regulation leads to an increase in use by youth," initial evidence suggests that there has been an uptick in marijuana use by minors since New York legalized the drug.

HEALTH AND SAFETY

New York's blue-ribbon report⁵ argued that "regulating marijuana reduces risk and improves quality control and consumer protection." Again, the numbers show this promise was mere smoke.

The number of marijuana-related emergency department visits in New York State increased 131% from 58,578 in 2019 to 135,300 in 2023⁶, according to data obtained by the USA Today Network.



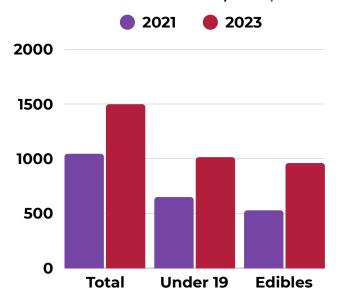
Marijuana-related emergency department visits increased 131% from 2019 to 2023⁶

Citing data from the National Poison Data System, New York State's Office of Cannabis Management⁷ reported that marijuana-related exposure cases in New York State increased from 1,045 in 2021 to 1,498 in 2023. Within this statewide trend:

- the number of cases that involved individuals under the age of 19 increased from 649 in 2021 to 1,014 in 2023
- the number of cases that involved marijuana edibles increased from 528 in 2021 to 960 in 2023

The Upstate New York Poison Center⁸ reported in February 2025 that they handled more than 500 calls related to marijuana in 2024, noting that "more than half involved children under six."

Marijuana-Related Poison Control Cases in New York State; 2021, 2023⁷



Dr. Vince Calleo, the medical director of the Upstate New York Poison Center, warned that "cannabis edibles often look like every day snacks, making them especially dangerous to young children."

New York's Pregnancy Risk Assessment Monitoring System⁹ found that marijuana use by pregnant women has been increasing:

- the percentage of pregnant women that reported using marijuana in the three months prior to their pregnancy increased from 9.5% in 2017–2018 to 12.3% in 2021–2022
- the percentage of pregnant women that reported using marijuana during their pregnancy increased from 4.2% in 2017–2018 to 5.1% in 2021–2022
- the percentage of pregnant women that reported using marijuana in the three months after their pregnancy increased from 4.9% in 2017–2018 to 8.5% in 2021–2022



Pregnant women that reported using marijuana during their pregnancy increased from 4.2% in 2017–2018 to 5.1% in 2021–20229

If this is what safer, healthier marijuana looks like, the taxpayers of the Empire State would be forgiven for wondering what the dangerous version of the drug might be.

RACIAL EQUITY

Equity was another major selling point of New York's legalization package, which included a number of provisions meant to redress racial inequities in the criminal justice system.

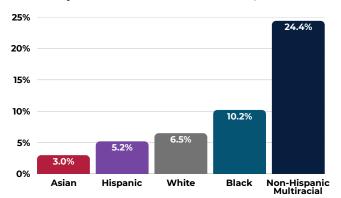
The blue-ribbon report⁵ stated that "marijuana prohibition results in disproportionate criminalization of racial and ethnic minority groups," and initial evidence suggests that the racial disparity in marijuana-related arrests is lower since marijuana was legalized. The percentage of arrests¹⁰ for the possession of marijuana that involved Black New Yorkers declined from 48% in the first quarter of 2021 to 25% in the first quarter of 2025.

However, many racial minorities in New York now report higher levels of marijuana use than their white neighbors, which threatens to worsen health inequities.

According to the BRFSS¹¹, among those aged 18 or older, the prevalence of daily or near-daily marijuana use in New York in 2023 was:

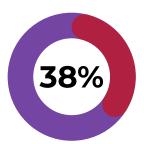
- 3.0% among non-Hispanic Asian people
- 5.2% among Hispanic people
- 6.5% among non-Hispanic white people
- 10.2% among non-Hispanic Black people
- 24.4% among non-Hispanic multiracial people

Daily or Near-Daily Marijuana Use Among People 18+ in New York State, 2023¹¹



Between 2021¹² and 2023¹¹, according to the BRFSS, the prevalence of daily or near-daily marijuana use in New York among those aged 18 or older:

- Increased from 8.5% to 10.2% among non-Hispanic Black people
- Increased from 5.8% to 6.5% among non-Hispanic white people
- Was unchanged among Hispanic people, at 5.2% both years



Black New Yorkers, despite representing approximately 18% of the state's population in 2024, accounted for 38% of treatment admissions for marijuana^{13,14}

This trend helps to explain why Black New Yorkers, despite representing approximately 18%¹³ of the state's population in 2024, accounted for 38% of treatment admissions¹⁴ for marijuana that year.

Pregnant Black women are also more likely than pregnant white women to use marijuana during or after pregnancy, according to the Pregnancy Risk Assessment Monitoring System⁹:

- Among non-Hispanic Black pregnant women, the percentage that reported using marijuana during or after their pregnancy was 13.5% in 2021–2022, up from 10.5% in 2017–2018.
- Among non-Hispanic white pregnant women, the percentage that reported using marijuana during or after their pregnancy was 11.4% in 2021–2022, up from 7.7% in 2017–2018.

While New York State can be commended for ameliorating but not ending the racial disparity in marijuana-related arrests, racial minorities have the highest rates of daily or near-daily marijuana use, which is associated with a range of health-related harms (e.g., severe cardiovascular issues; type 2 diabetes; asthma and COPD), and their rates of use have increased since the legalization of marijuana. This trend threatens to exacerbate health inequities among vulnerable populations.), and their rates of use have increased since the legalization of marijuana. This trend threatens to exacerbate health inequities among vulnerable populations.

THE ILLICIT MARKET

One of the key promises of legalization: A legal market would eliminate the illegal market. Has that happened? The numbers say no. In fact, what data we have suggest that the legal market has supercharged the illegal market.

In June 2024, *The New York Times* reported¹⁵, "nearly 3,000 unlicensed cannabis stores are estimated to have opened across New York City since 2021." This compares to 132 licensed dispensaries across the state and only 62 in New York City.

New York Governor Kathy Hochul estimated 2,500 unlicensed marijuana shops¹⁶ popped up in New York City alone following legalization. The New York City Council¹⁷ estimated almost 8,000.

In 2023, New York City was estimated to have nearly 8,000 illegal, unlicensed smoke shops compared with 35 licensed shops¹⁷

Numerous attempts to crack down on the illicit market have stumbled. In October 2024, after the state shut down more than 1,000 unlicensed dispensaries in New York City through "Operation Padlock," a Queens judge ruled that the action was unconstitutional.¹⁸

Politico reported, "Without enough licensed dispensaries to serve demand, thousands of unlicensed sellers stepped in, often flouting rules by popping up near schools and selling weed in colorful packaging." The article quoted the owner of a licensed dispensary in New York City as saying, "People assume these unlicensed stores are mom-and-pop shops... Most of these stores are owned by conglomerates." 19

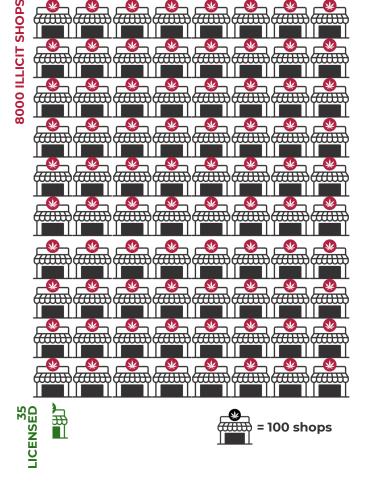
As many illicit shops have emerged selling traditional Delta-9 THC products, many others have begun selling hemp-derived Delta-8 THC products. New York State has prohibited²⁰ the sale of these Delta-8 products, meaning that these products are also being trafficked through the illicit market.

In other words, far from hampering an illegal market, New York's legal recreational program supercharged it. That's been the case in state after state, including Colorado and California. That it happened in New York should surprise no one.

TAX REVENUE

One of the key arguments of legalization proponents in New York was that a legal market would capture tax revenues from activity not traditionally within the scope of collections—a major selling point in a fiscally troubled state.

Marijuana taxes accounted²¹ for only 0.15% of total revenue in New York in Q4 of fiscal 2024. These taxes accounted for 0.06% in Q4 of 2023 and for 0.01% in Q4 of 2022.



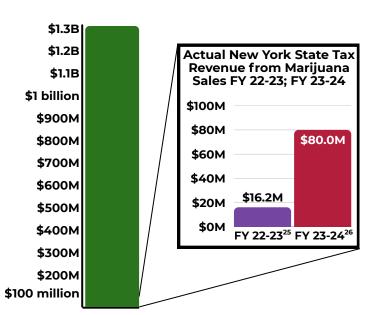


Current projections from the Hochul administration²² see marijuana tax revenue in the next fiscal year as reaching \$248 million—a meager 0.21% of the projected revenues²³ for that tax year. In fact, New York State has missed marijuana tax projections every year. Proceeds are far from the \$1.3 billion that was originally promised.²⁴



Marijuana tax revenue in FY 2025 is projected to reach \$248 million —a meager 0.21% of the projected revenues for that year²³

In other words, while marijuana tax revenue has experienced some growth in relative terms, as an absolute figure it is all but irrelevant to the state's fiscal health; zeroing it out completely would have almost no effect. Moreover, any tax revenue from marijuana sales does not come into state coffers as a dollar-for-dollar exchange. Legalization brings with it social costs: the cost of increased enforcement against the illicit market it supercharges, and the costs associated with public health problems it causes.

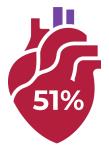


Promised Annual Tax Revenue from Legal Marijuana²⁴

LONGER-TERM CONSEQUENCES

The use of marijuana brings with it the risk of severe health harms, as study after study has shown. The list of recent studies that shine light on these harms includes:

A June 2025 meta-analysis from *BMJ Heart*²⁷ found that marijuana users face a two-fold risk of cardiovascular death, as well as a highly elevated risk of major adverse cardiac events. A May 2025 study found²⁸ that the drug is associated with vascular damage whether it is smoked or consumed via edibles. A March 2025 meta-analysis²⁹ from the Journal of the American Colleges of Cardiology found that marijuana users have a 51% higher odds than non-users of having a heart attack. A large European study from September 2025³⁰ found a fourfold risk of developing diabetes among marijuana users.



Marijuana users are 51% more likely than non-users to have a heart attack²⁹



Marijuana users are 4 times more likely than non-users to develop diabetes³⁰

The drug hurts brain and mental health profoundly. An April 2025 study from Canadian researchers³¹ found that people getting emergency-room care for marijuana-related issues had a 1.5 times increased risk of getting dementia within five years as all acute-care recipients and an almost four-fold risk as the general population. A massive Danish study from 2023³² found that as many as 30% of schizophrenia cases in younger men are linked to marijuana use disorder.



As many as 30% of schizophrenia cases in younger men are linked to marijuana use disorder 32

While the deleterious effects of marijuana use on male fertility have long been known, with more-than-once-weekly male users seeing significantly lower sperm counts³³ than nonusers, new data is now revealing the drug's bad effects on female fertility. Exposure to THC, marijuana's active component, drove a significant increase in chromosomal issues³⁴ for embryos.

The implications of these data, viewed through the lens of the increased prevalence of use associated with New York's legalization, are grim. Thanks to legalization, the state can look forward to a deeply compromised public health future across a number of key domains.

WHAT'S NEXT?

Given that a full repeal of recreational legalization is politically unlikely, we have compiled some recommendations for making the state's law better and more oriented toward promoting public health outcomes. State and local officials should adopt an aggressive policy posture that fights the normalization of marijuana and is focused on prevention.

- Health experts believe high-potency marijuana products should be banned, yet these products continue to be sold and promoted throughout New York. New York could learn from Connecticut and Vermont, which have both adopted THC potency caps to block or stem the sales of highpotency marijuana products. They should also cap the quantity of THC in each dose of edibles, as well as the number of doses per package.
- There is also the question of edible, drink, and vape packaging that very clearly appeals to children. Manufacturers model products after familiar snack brands like Oreos and Sour Patch Kids to create a new generation of people addicted to marijuana. A sensible marijuana policy would ban that kind of marketing outright, as well as develop vastly stricter sales standards around edibles—which are often mistakenly consumed by young children and seen by teens and young adults as less risky or harmful than smoked marijuana.

- Mandate warnings on packaging to include language highlighting the increased risk of serious mental illness—including psychosis, paranoia, suicidal thoughts, and depression—that come with marijuana use. Consumers must be educated and warned that if they experience hallucinations, delusions, or other psychotic-like experiences while intoxicated, it is an indicator that they may develop a serious psychotic illness with continued use.
- Consider a minimum age for legal consumption of 25, when brains are more developed.
- Use state restrictions on alcohol marketing as a guide to create guardrails around marijuana advertisements (instead of, as New York State did,³⁵ paying to advertise legal sales). These laws/regulations could include restrictions on false/misleading claims, a prohibition on unsubstantiated health claims as well as restricting outdoor advertising near schools and churches and prohibiting ads featuring minors.
- Require vastly more of the taxes on marijuana sales and retailers be spent funding prevention campaigns in the state, warning about the risks of marijuana consumption.
- Prohibit internet sales and delivery including online/mobile delivery apps.
- Restrict edibles and concentrates as much as possible as they represent the most serious danger for public health. These products' high potency, resemblance to nonlaced consumer products (such as candy, lotions, etc.), and ease of use create serious, costly problems. They must be heavily regulated to prohibit their advertising, sales, and use. Consider not allowing for the sale of concentrates altogether, aside from those in tinctures meant to be administered orally in droplets.

Beyond concerns about public health, New York should also account for public safety and learn from the experiences of states like California and Oregon. Despite claims that legalization would displace the illicit market, the opposite has occurred. Many illicit retailers have moved into New York City under the cover of legalization. To counter this, local and state officials must crack down on the illicit market, which should occur regardless of marijuana's legal status. Here in the Empire State, that means removing procedural obstacles for the NYPD to shutter illegal shops and creating better coordination channels between local, state, and federal law enforcement.

The political climate around marijuana in America has reached a pivotal point. Policymakers who face choices about legalizing or commercializing marijuana should look to the worrying example of New York's much vaunted legal market—and its dissolution into far more smoke than substantive results.

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APPENDIX

To educate New Yorkers about the harms of marijuana use, particularly the use of high-potency THC drugs, Smart Approaches to Marijuana has launched a new awareness campaign: WHAT IS MARIJUANA? It's a question more policymakers and legislators should have asked before deciding to create the Empire State's legal market. Our campaign is aimed at educating and raising awareness. Why? Because New Yorkers need to know the dangers of today's high-potency THC drugs as they navigate the influx of marijuana and smoke shops in their neighborhoods and communities.









