



# CANNABIS AND DRIVING

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A GUIDE FOR DRIVERS UNDER  
THE NEW YORK STATE  
MARIHUANA REGULATION AND  
TAXATION ACT (MRTA)

# Cannabis and Driving

The Marihuana Regulation and Taxation Act (MRTA) was signed into law on March 31, 2021, legalizing adult-use cannabis (also known as marijuana, or recreational marijuana) in New York State for individuals 21-years-old and older. The legislation created a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to comprehensively regulate adult-use, medical, and hemp cannabis.

To learn more about the Office of Cannabis Management, visit [cannabis.ny.gov](https://cannabis.ny.gov).

This guide is intended for drivers 21 and over as it relates to traffic safety under the new law.

# Cannabis Conversation: Impaired Driving

Driving under the influence of cannabis is illegal and can slow motor coordination and other skills needed to drive safely.

**If you feel different, you drive different.**

Cannabis affects everyone differently, making it difficult to estimate the effects or predict when the effects will wear off.

Remember to consider your cannabis product's onset and duration of effects when making your transportation plan. Effects of cannabis vary from person to person. It may take up to TWO HOURS to feel the effects of edibles. Avoid overconsuming and wait at least two hours before consuming more.

Edibles may include gummies, baked goods, drinks, capsules/tablets, tinctures, lozenges, or films.- anything that is consumed orally or under the tongue.

To learn more about what edibles are and how they might affect you read the Office of Cannabis Management's [Know Your Edibles Rack Card](#).

Always make a transportation plan before consuming cannabis. Stay put or get a ride.

# Things You Need to Know

## What Drivers 21 and Over **Can** Do:

### Possess Cannabis:

Adults 21 and older are allowed to possess up to three ounces of cannabis flower and 24 grams of cannabis concentrate (like edibles or oil).

### Secure Cannabis:

Keep cannabis locked, out of sight, out of reach, and away from individuals under 21 and pets. Any cannabis being transported should be stored securely in a trunk or glovebox.

## What Drivers 21 and Over **Can't** Do:

### Consume Cannabis:

It is illegal for drivers AND passengers to consume or have open cannabis products in a vehicle. If you drive under the influence of cannabis, you can be charged with a DUI.

### Cross State Borders with Cannabis:

Since cannabis is illegal federally, individuals cannot cross state or international borders in possession of cannabis. It is also illegal to possess and use cannabis on federal lands or property.

# HOW DOES CANNABIS IMPAIR DRIVING?

Multiple independent studies have shown that cannabis impairs the critical abilities needed to drive safely, resulting in:

- Difficulties in following the road and maintaining lane position.
- Decreased and divided attention.
- Relaxed inhibitions.
- Altered perception of time and distance.
- Slowed reaction time.
- Impaired cognitive performance.
- Impaired cognitive skills, including route planning, decision making, and/or risk taking.

**IF YOU FEEL DIFFERENT,  
YOU DRIVE DIFFERENT.**

# Frequently Asked Questions

**Q: Can I drive with cannabis in my car?**

A: Yes, it is legal for an adult 21-years and older to possess cannabis in a vehicle. Cannabis should always be securely stored in a closed container.

**Q: How much cannabis can I legally carry in my car?**

A: Adults 21-years and older can have up to three ounces of cannabis and up to 24 grams of concentrated cannabis like vaporization oil or edibles.

**Q: Is it legal to have open cannabis and/or cannabis-related paraphernalia in the passenger cabin of the vehicle?**

A: No. Like alcohol, it is illegal to have an open container of any form of cannabis in the passenger area of a car while on the road at a place where the public has access. It must be stored in a closed container like the trunk or a locked glovebox.

**Q: If I am driving, can a passenger in my car smoke cannabis?**

A: No. Smoking cannabis in a vehicle, even as a passenger, is illegal.

**Q: Is there a legal limit for cannabis impairment while operating a vehicle?**

A: No. No matter the level of consumption, law enforcement officers may base their determinations on observed impairment.

**Q: I'm a certified patient in the Medical Cannabis Program. Can I still be arrested for driving impaired?**

A: Yes. Medical Cannabis Program members are subject to the same impaired driving laws.

**Q: What are the fines and penalties for impaired driving?**

A: In New York State, the penalties for an alcohol- or drug-related violation include the loss of driving privileges, fines, and a possible jail term.

Specific information regarding fines and penalties can be found at [New York DMV | Penalties for alcohol or drug-related violations \(ny.gov\)](https://www.dmv.ny.gov/penalties)