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TOPICAL

New York budget deal increases penalties for illegal pot shops

Samantha Christmann

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A budtender picks up cannabis flower buds and places them on a scale with large tweezers while preparing an order for a customer at the Lab dispensary on the Seneca Nation's Cattaraugus Reservation.

Derek Gee/Buffalo News

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New York's new budget agreement includes new tools aimed at shutting down unlicensed cannabis dispensaries that the state has said threaten the success of the rollout of legal ones – and threaten the amount of taxes the state will collect.

The budget agreement increases potential fines illegal shop operators face and gives the state more authority to enforce existing cannabis laws, including an added \$16 million in enforcement funds and the ability to search unlicensed weed shops.

It also allows the state to seek restraining orders, mandate store closures, charge unlicensed shops with tax fraud and allow landlords to evict unlicensed dispensaries.



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"I understand that people don't want to be putting people in jail for for cannabis anymore. I agree with that," said Patrick Hines, a partner at law firm Hodgson Russ and co-leader of its Hemp and Medical Cannabis Practice. "But at the same time, in order to have a viable marketplace, everybody's got to be playing the same set of rules."

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Under the bill, fines for retail possession of cannabis without a registration certificate would increase from \$500 to up to \$7,500 for the first offense; penalties would increase to up to three times the amount of tax that would have been required to be collected.

Rather than being allowed to conduct inspections at any time, inspections would be kept to regular business hours, according to the changes.

Language in the bill is careful to differentiate that regulations pertain to unlicensed dispensaries and not private citizens. The state has been walking a fine line as it attempts to address damage done to citizens who were disproportionately harmed by the war on drugs,

while enforcing new laws against unlicensed retail cannabis sales.

The Office of Cannabis Management has promised 22 conditional licenses in the Western district of New York. Four licenses have been approved and granted in the region, but none have opened yet.

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By Samantha Christmann

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I grew up the daughter of a steelworker in North Tonawanda. I've been a business reporter for The News since 2008 and write the Discount Diva column, which appears in every Sunday's paper.
