



**NYC Council Committee on Oversight &
Investigations – The Proliferation of
Unlicensed Smoke Shops in NYC**

**Testimony of Sheriff Anthony Miranda,
The City Sheriff,
New York City Department of Finance**

January 18, 2023

Good morning, Chair Brewer, Chair Velazquez, and Chair Schulman and members of the Committee on Oversight and Investigations, Committee on Consumer and Workers Protections, and the Committee on Health. My name is Anthony Miranda, and I am the City Sheriff. I am joined today by colleagues from the Department of Consumer and Worker Protections, Department of Mental Health & Hygiene and the New York City Police Department.

I'm here today to testify on behalf of the administration to discuss the (Enforcement) **Compliance** Task Force that has been strategically assembled to address the proliferation of illegal smoke shops throughout the city.

As you are aware, there has been a large increase in highly visible, illicit, unlicensed retail smoke shops. These retailers are illegally selling cigarettes, other tobacco products, vaping products (E-cigarettes and the like). Many, if not most of these shops are also involved in illegal sale and distribution of cannabis. The proliferation of these illicit shops illegally selling cannabis, and tobacco and vaping products is causing substantial concern among many New Yorkers. Public health and safety are at the core of all of our actions and are very much part of creating an equitable cannabis industry in our city. Businesses that endanger New Yorkers will be [*held accountable*] **thoroughly investigated**. Illicit shops that continue to put New Yorkers at risk, while also jeopardizing the success of equity-centered cannabis legalization will face legal consequences. With respect to cannabis, there is a difference between the previously existing unlicensed "legacy market" the MRTA was aimed at protecting and facilitating transition and more recent proliferation of visible unlicensed smoke shops. The goal of enforcement is to protect the emerging licensed market.

The creation of the task force (The Sheriffs Compliance Task Force) pilot program was initiated by the Deputy Mayor' Office of Public Safety led by the Sheriff's Office in conjunction with the DCWP, NYPD and joined by the NYS Office of Cannabis Management. The Task Force worked for 12 days from November 14 – 19, 2022 and November 28 - December 3, 2022. We dispatched two teams consisting of approximately 10 personnel. This operation seized approximately 147,676 illegal items and 604 pounds of cannabis, estimated retail value of \$4,143,646. The purpose of the Task Force was to form a group of enforcement personnel working collaboratively to use their independent authority to address a multitude of illegal activities being conducted in smoke shops across our city. Working together these agencies combined resources have a greater public safety impact while seizing contraband being sold illegally in these smoke shops. The unregulated sale of untaxed cigarettes, contraband flavored tobacco and vape products as well as THC

Cannabis products **are rampant** throughout this city and the Task Force was formed to determine if combining resources across agencies was a more effective use of resources as opposed to each agency acting independently.

The Task Force gather information on suspected illicit shops by complaints, intelligence from various agencies (NYPD, DCWP, OCM, Sheriff's Office), elected officials and community organizations. Locations inspected were issued safety tips from NYPD, cease and desist letters from OCM, and referral to NYC Cannabis for assistance to join the legal market.

Due to the unrelenting work of the **Cannabis** NYC Interagency Enforcement Taskforce, we have seized nearly 100,000 packages and cartons, including unlicensed cigarettes, flavored vapes and cannabis-infused edibles, many with look-alike marketing targeting underage consumers. The estimated retail value of items seized was just over \$4,000,000. Based on these efforts, both civil and criminal violations have been issued.

The Sheriff's Interagency Task Force will continue to collaborate with all relevant agencies to protect the health and safety of all New York City by focusing on compliance with all existing laws. Multiple Interagency Teams will be dispatched to all 5 boroughs on different days of the week and at different times for compliance and enforcement. We are conducting long-term and short-term investigations not only focusing on seizures to ensure product safety but focusing on tax compliance, trademark infringement, and public education.

Having said that, on cannabis, NYC has an opportunity to be a global hub of cannabis industry excellence in education and equity, and we must protect that opportunity. This Administration will continue to support New Yorkers and justice-involved individuals who want to build and operate legitimate, thriving cannabis businesses. I appreciate the opportunity to testify at today's hearing and I am looking forward to hearing your thoughts and questions.

**LIZ KRUEGER
SENATOR, 28TH DISTRICT**

ALBANY OFFICE
STATE CAPITOL BUILDING
ROOM 416
ALBANY, NEW YORK 12247
(518) 455-2297
FAX (518) 426-6874

DISTRICT OFFICE
211 EAST 43RD STREET, STE. 1201
NEW YORK, NEW YORK 10017
(212) 490-9535
FAX (212) 499-2558
E-MAIL
LKRUEGER@NYSenate.GOV

**NEW YORK
STATE
SENATE**

ALBANY, NEW YORK 12247



**CHAIR, MAJORITY MEMBER
FINANCE**

**COMMITTEES:
RULES
BUDGET & REVENUE**

**Testimony of State Senator Liz Krueger
Before the NYC Council Committees on
Oversight & Investigation, Health, and Consumer & Worker Protection
Regarding the Proliferation of Unlicensed Smoke Shops in New York City
January 18, 2022**

My name is Liz Krueger and I represent the 28th State Senate District, which includes the Upper East Side, Midtown, and Roosevelt Island in Manhattan. Thank you for the opportunity to comment on the proliferation of illicit smoke shops and trucks that has taken place in New York City over the past year and a half.

Along with Assembly Majority Leader Crystal Peoples-Stokes, I was proud to sponsor the New York State Marijuana Regulation and Taxation Act (MRTA) which was enacted into law in March 2021. MRTA was the culmination of years of often complex discussions with legislative colleagues, advocates, local and national drug policy reform experts, law enforcement, and the Governor's office. The law ended the failed policies of marijuana prohibition in our state and the racially disparate enforcement that was endemic to prohibition. It began the process of building a fair and inclusive legal market for adult-use cannabis. Not to mention building a multi-billion dollar industry for New York that encourages small businesses and farms while balancing safety with economic growth. It establishes a national model for building a truly equitable and inclusive industry that works to offset the harms of decades of over policing. Moreover, all tax revenue generated from this new regulated industry is required to be invested back into communities disproportionately hit by the drug war, drug treatment and prevention programs, and public schools.

Since the enactment of MRTA, I have watched closely as the Office of Cannabis Management (OCM) has led the way in living up to the values and goals of the law. In opening the market with its Seeding Opportunity Initiative, OCM started with family farmers across New York growing adult-use cannabis in the most sustainable way possible – with the sun. They've now opened the first retail dispensary, one owned by a nonprofit that's reinvesting its profits into the services it deploys to help New Yorkers, including the formerly incarcerated. In the coming weeks, I understand more legal shops will open,

including those owned by individuals with a cannabis arrest who also have previous business experience.

This is a remarkable success and an achievement reached much faster than we predicted when MRTA was enacted. When MRTA passed we also had the expectation that then-Governor Andrew Cuomo would move quickly to set up OCM. But that didn't happen. In fact, the Cannabis Control Board wasn't appointed until September 2021 when Governor Kathy Hochul quickly took action after taking office. It was during that six-month delay that we saw the first illicit operators begin to open, and they've only gained traction since. While local law enforcement, including the authorities here in NYC, have a role to play in shutting these operators down, they didn't initially move to act, and instead looked to the state for guidance. But with no office in place, there was no one to provide that guidance. By the time OCM had the beginning of an enforcement team, the illicit operators were already entrenched. Like many of you, I am extremely frustrated to see new illegal smoke shops operating throughout my Senate District and regularly receive complaints and questions from residents and community groups asking why these businesses are able to flagrantly violate the law.

There's no question that these operators must be shutdown. They're endangering public health with contaminated products, and with products that often don't match the label. They are putting consumers in danger, selling to young people, opening in locations close to schools and religious institutions prohibited under MRTA, and are undermining the fundamental goals of the law. They don't contribute to an equitable industry, don't contribute revenue to our communities, and damage the legal regulated operators just beginning to open.

I've closely followed as OCM began with an education first approach to ensure that illegal operators and consumers were aware of the parameters of the new law and understand that although we ended prohibition, there are still consequences to operating illegally. To be clear, these operators are breaking more than cannabis laws. They are also breaking the tax law, the penal law, and several municipal laws. The latter two of which are enforceable by New York City agencies. OCM has now stepped-up enforcement activity and begun seizing large quantities of cannabis from illicit shops; these activities have highlighted the fact that felony level possession and sale offenses are regularly being committed.

Recognizing that OCM needed more tools to take on these operators, I worked with my Senate colleagues to pass a bill last June that would have doubled financial penalties for illicit operators, allowed for the revocation of licenses for businesses selling illicit cannabis, and provided OCM and the State Department of Tax and Finance with new tools to go after them. Unfortunately, the legislation was introduced late in the session and was not passed by the Assembly. I am working closely with Assembly Majority Leader Peoples-Stokes and the Governor's office to reach agreement on an updated version of that legislation that hopefully can pass both houses this year.

In the meantime, I continue to support OCM as they use their existing tools to take on these shops. I have been pleased to see OCM work with local partners like the New York City Sheriff's Office and the Department of Consumer and Worker Protection to issue violations, seize illegal products, and shut down illicit operators under existing state and local laws. But I hope that the New York City Police Department also steps up its efforts to curb this activity by enforcing the penal law offenses being committed, particularly offenses related to sales to minors.

There are barriers to enforcement that have been erected by law enforcement and others who are reluctant to engage. I want to be very clear with all of you that criminal offenses for the conduct you see across this city still exist. They were not wiped away when we ended prohibition. Possession of more

than five pounds of cannabis is a felony. Sale of more than sixteen ounces is a felony. Sale to a minor is a felony. While some New York City police precincts understand this, others seem to have wrongly concluded that all cannabis-related activity is now legal and they have no role to play.

I am not calling for a return to prohibition policies, but I do want to make sure we all understand that those criminal offenses still exist, and we left those offenses in the law for a reason. I'm thankful for actions like this hearing that help raise attention to the issue. I look forward to working with my legislative colleagues and the Governor to pass legislation in the coming months to help OCM and local partners put an end to illegal smoke shops while supporting the new legal, highly regulated businesses just beginning to open.

Thank you again for the opportunity to testify today.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEES ON OVERSIGHT AND
INVESTIGATIONS, CONSUMER AND WORKER PROTECTIONS, HEALTH
JANUARY 18, 2023**

Good morning,

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. I would like to thank Chairs Brewer, Velasquez and Schulman and the members of the Committees on Oversight and Investigations, Consumer and Worker Protections, and Health for holding this important hearing.

In 2021, New York State enacted the Marijuana Regulation and Taxation Act (MRTA), creating a framework for the legal commercialization of recreational marijuana. Under the MRTA, the New York State Office of Cannabis Management (OCM) was also created to regulate the legal market and the issuance of licenses. The need to address the historic and disparate racial impact of marijuana prohibition was and continues to be central to the mission of the MRTA and OCM. The proliferation of unlicensed smoke shops, whose presence has grown exponentially in the past year across the city, undermines this push for equity and further poses a problem for public safety and the overall health of New Yorkers.

City-wide, commercial robberies in unlicensed smoke shops have skyrocketed with a 137% increase from 2021 to 2022¹. Enforcement efforts by the Sheriff's Office, NYPD, OCM and the Department of Consumer and Worker Protection have resulted in seized assets from numerous unlicensed shops, as well as hundreds of violations and summons but shortly after these inspections, the same shops have reopened for business, selling illegal cannabis alongside other unregulated products like e-cigarettes, vapes and THC products.

The presence of these unlicensed smoke shops near schools, community centers and houses of worship are also cause for concern and a violation of the MRTA's requirements on dispensary proximity to such institutions. In conjunction with the close proximity to schools, the colorful and cartoonish marketing and advertising of illicit products poses a risk to underage youth. A recent report found that "controlled substances" and drug paraphernalia found on students in this

¹ Stephon Johnson, "Shops and Robberies in the Years of Unlicensed Weed Selling". *The City*, Jan. 18, 2023, available at:

<https://www.thecity.nyc/2023/1/18/23561594/robbery-unlicensed-weed-shops-nypd-sheriff>



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

academic year rose 8% in comparison to the same period in 2019, an uptick in marijuana use that school officials also say is beginning at a younger age².

While it is my firm belief that incarceration is not the answer as we cannot repeat the wrongs we are seeking to address, enforcement is a must. There are steps our city can take today to curtail the presence of unlicensed smoke shops and further support the legal market that has been set up. Public nuisance laws, for example, have historically been utilized to regulate the selling of alcohol on certain premises. The Department of Buildings also has a Padlock Unit that could provide a foundational guideline for the process of padlocking premises upon issuance of an Order of Closure. Other suggestions have called for the creation of transitional licenses in recognition of the costly and time-consuming licensing process.

New York State has only just embarked on this endeavor but our city must continue to work in collaboration with our state partners to amend the law and address the issues we see today as well as right the wrongs of the past.

²Michael Elsen-Rooney, "Marijuana use spills into NYC classrooms as educators grapple with new cannabis landscape," *Chalkbeat New York*, Jan 4, 2023, available at: <https://ny.chalkbeat.org/2023/1/4/23537654/marijuana-use-teens-smoking-weed-mental-health-nyc-schools-students>.



BROOKLYN COMMUNITY BOARD 14
FLATBUSH–MIDWOOD COMMUNITY DISTRICT
810 East 16th Street
Brooklyn, New York 11230

Public Hearing Testimony January 18, 2023

re: The Proliferation of Unlicensed Smoke Shops in New York City

Thank you to New York City Councilmember Brewer and the Committee on Oversight & Investigations; Councilmember Shulman and the Committee on Health; and Councilmember Velazquez and Committee on Consumer & Worker Protection for holding this hearing.

My name is Shawn Campbell, and I am the District Manager of Brooklyn Community Board 14. I appreciate this opportunity to weigh in from the most local, on the ground city agency perspective. Concerned community members have brought questions and concerns to the attention of my office and I have felt woefully unprepared and ill-equipped to address the proliferation of new cigarette and electronic cigarette “smoke shops” as well as the swiftly emerging availability of cannabis products, well before NYS licenses have become available in this community.

It was disheartening and even alarming to hear from the lead New York City agencies that this lack of preparedness and capacity is rampant among those agencies. It indicates that this is a problem that has gotten very far ahead of sound policy and prudent implementation.

Where do we go from here?

Only by obtaining the list of licensed TRD and ECRD licenses in Community District 14, can we by process of elimination, discover which stores are unlicensed. However, once we make this determination, the rules of enforcement are unclear and to the extent that clarification has been offered, the rules of enforcement seem to be wholly inadequate. The Department of Consumer and Worker Protection (DCWP) has not been able to force stores to cease and desist from selling unlicensed products. The Sheriff’s office has not begun a single nuisance abatement proceeding and only in the most egregious cases have they been able to seize products and/or issues violations. The city’s current approach leaves NYPD to address robberies at smoke shops instead of involving them in enforcement at the retail level.

There are no data on the effectuation of OATH proceedings once a violation has been issued. In fact, we understand that businesses have been able to buy time by asking for multiple adjournments. Anecdotally, we have been given a sense that business found guilty at OATH hearings can simply change their business names or LLCs to continue. The veracity of that must be explore and addressed as needed. OATH should have been present at the hearing.

To enable effective enforcement, it is clear that the nuisance abatement proceedings need to be rationalized, or a more expeditious padlock procedure be introduced to the process. The ability to hold building owners accountable for illicit activities on their premises should also be more vigorously explored. There must be an active inventory of all smoke shops to determine which have licenses (properly displayed) which must result in a list of stores that are operating sans license. A way to

tighten LLC or DBA or other company name switches to remain in business to avoid enforcement must be explored. The weights and amounts of unlicensed products must be adjusted to a new retail standard to allow for broader enforcement in the current environment – not the past sales on the street corner culture. NYPD Precincts should be involved in enforcement of unlicensed shop. Perhaps then there would be fewer unlicensed smoke shops resulting in fewer robberies and less gun violence.

To protect minors, more severe penalties for flavored products and other kid-friendly marketing needs to be put into place. Consideration should be given to the idea that TRD and certainly ECRD licenses should be limited to retail establishments only selling those products (similar to how one cannot buy olives for their martinis, where they buy the gin). Products that can be purchased by a minor -such as soda and snacks – should be sold in separate establishments from vapes and e-cigarettes).

To prepare for cannabis product sales, the penalties for selling products that are unlicensed by the city should include disqualification from seeking cannabis licenses from the state as they become available. This requires communication and coordination between the city and state. This testimony does not even begin to include the complete alarm in this community about the near future of these shops given that we can't even get cigarettes and vapes right.

Despite an alarming increase in the unlicensed businesses and an alarming uptick in serious crime patterns that they attract, DCWP, the Sheriff's Department, DOHMH and NYPD are still in an "education" phase. Their first step is to provide information as to how these businesses can retroactively obtain permits, as if they don't know. The lack of urgency in the face of the proliferation of unlicensed shops and the oncoming cannabis retail permits, is an abdication of responsibility.

The city must consider the health implications, especially as they pertain to minors. The city must consider the public safety implications. Finally, the city must support the businesses that wish to proceed by following the rules and make way in the market for them by shutting down those retail establishments that do not.

Thank you for your consideration. I look forward to a better near future.



Community Board Ten

8119 5th Avenue • Brooklyn, NY 11209

(718) 745-6827 • Fax (718) 836-2447

bk10@cb.nyc.gov

<https://cbbrooklyn.cityofnewyork.us/cb10/>

facebook @communityboard10bk

instagram @communityboard10bk

SANDY VALLAS

Vice Chairperson

JANA TAOUBE

Secretary

SHIRLEY CHIN

Treasurer

JAYNEMARIE CAPETANAKIS

Chair

JOSEPHINE BECKMANN

District Manager

Testimony New York City Council Government Operations Committee January 18, 2023

I am the District Manager of Community Board 10 Brooklyn. I am honored to be here today to share with members of this Committee that the proliferation of smoke shops in Community District 10 in recent months has generated daily calls from residents, business owners and visitors deeply concerned about the inability of local government to enforce and discontinue unlicensed businesses engaged in the sale of cannabis and tobacco products. In Community District 10 a list submitted to 68 Precinct, OCM and DCWP contained 23 locations of suspected unlicensed establishments.

When the New York State Legislature introduced legislation to legalize sale of marijuana and cannabis products, it came with public assurances that there would be regulation. In fact, then Gov. Cuomo stated, “this landmark legislation.... Embraces a new industry that will grow the economy and establishes substantial safety guards for the public.

This has not and will not be realized unless statutory changes are made at the state and city level of government. While the Office of Cannabis Management has visited locations, worked with partner agencies (NYPD and NYC Sheriff) to conduct some raids, which confiscated unlicensed products; there remains no mechanism to swiftly shutter bad actors and unlicensed operators. There are no consumer protections that can shield NYC residents from products sold by these very bad actors.

OCM confirms that no licenses were yet issued in Brooklyn but there are 3 dispensaries operating in District 10 and about 20 smoke shops selling cannabis and related products. Equally troubling is that the Smoke Shop Signage is clearly marketing to young people under 21 years of age... and our parents are reporting .. they are buying.

The cap for Tobacco Retailer Dealer licenses in CB10 is 62 and the number of licenses is 119 and the Active Electronic Cigarette Retail Dealer Cap is 27 and there are 56 Licenses.. and the number of unlicensed tobacco products continues to grow. In some parts of the district it feels like there is a smoke shop on every block with many along school routes. Current enforcement efforts leave long adjudication turn arounds via ECB with little teeth to impact unlicensed sales.

It begs the question.. why have a licensing process without an enforcement mechanism with real teeth to close down the unlicensed shops and bad actors?

All of the past accomplishments to reduce youth tobacco sales in NYC seem to be diminished to past practices. There must be change to correct the loopholes that are allowing unlicensed businesses to flourish.

ANTONIO REYNOSO, BOROUGH PRESIDENT



Community Board Ten

8119 5th Avenue • Brooklyn, NY 11209
(718) 745-6827 • Fax (718) 836-2447
Email: bk10@cb.nyc.gov
www1.nyc.gov/site/brooklyncb10/index.page

SANDY VALLAS
Vice Chairperson
JANA TAOUBE
Secretary
SHIRLEY CHIN
Treasurer

JAYNEMARIE CAPETANAKIS
Chair
JOSEPHINE BECKMANN
District Manager

ADOPTED

COMMUNITY BOARD TEN RESOLUTION

At a duly publicized meeting held on Monday, November 21, 2022, members of Community Board 10 unanimously adopted this Resolution calling Upon New York State Legislature to Create Clear Enforcement Provisions for Unlicensed Commercial/Retail Sale of Marijuana/Cannabis Products.

Whereas, the Marijuana Regulation and Taxation Act (MRTA) was signed into law on March 31, 2021, and

Whereas, MRTA legalized adult-use (21 years of age and older) sale of recreational marijuana in New York State, and

Whereas, MRTA also created a new Office of Cannabis Management (OCM) to comprehensively regulate adult use, medical and hemp cannabis, and

Whereas, the new Office of Cannabis Management (OCM) is charged with issuing licenses and developing regulations outlining how and when business can participate, and

Whereas, the New York State Cannabis Control Board (CCB) is the approval and oversight body of the Office of Cannabis Management, and

Whereas, OCM provided a geographical breakdown of the maximum number of conditional adult-use retail dispensaries (CAURD), and

Whereas, up to 150 licenses will be awarded across 14 regions of the state, in the first round with most concentrated in New York City boroughs, with 19 CAURD dispensaries slated for Brooklyn, and

Whereas, no retail licenses or permits have been issued within New York City for the sale of cannabis by the Office of Cannabis Management, and

Whereas, CCB also approved a series of proposed rules for marijuana packaging, labeling, advertising and testing, and

ANTONIO REYNOSO, BOROUGH PRESIDENT

Community Board Ten

Page - 2 -

Whereas, the state will also issue licenses for the creation of cannabis delivery businesses, and

Whereas, more than 25 unlicensed smoke shops are selling, marketing CBD, cannabis, and weed products are now operating in Community District 10 and

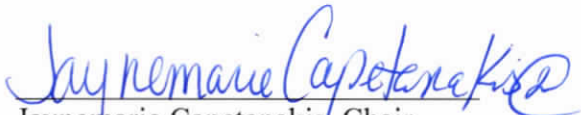
Whereas, the NYPD has already visited and mapped 1050 shops citywide, and

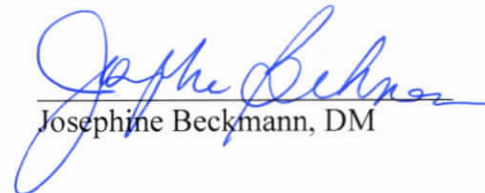
Whereas, the level of product regulation, safety, consumer protection, advertising and marketing to children, are not realized in unlicensed establishments, and

Whereas, the penal law does not provide an enforcement mechanism to penalize or shutter unlicensed retail cannabis dealers, and

Whereas, the MRTA does not bar unlicensed sales commercial establishments from obtaining future licensing, therefore

Be it Resolved, the Members of Community Board Ten call upon the legislature of the State of New York to take the necessary steps/enact legislation to amend the MRTA and/or penal law to enable the Office of Cannabis Management to order the closure of unlicensed commercial establishments involved in the unlicensed sale of cannabis, including the unlicensed delivery of cannabis, in order to ensure proper regulation of product, consumer protection and safety and provide clear provisions to prevent any commercial establishment involved in the unlicensed sale from obtaining any future licenses.


Jaynemie Capetanakis, Chair


Josephine Beckmann, DM

Dated: November 22, 2022

Statement of John Keller: New York City Council, joint hearing on Proliferation of Unlicensed Smoke Shops in New York City (Committees on Oversight and Investigations, Health and Consumer and Worker Protection)

New York City Council
Committee on Oversight and Investigations: Gale Brewer, Chair
Committee on Health: Lynn Schulman, Chair
Committee on Consumer and Worker Protection: Marjorie Velázquez, Chair
Joint Meeting of January 18, 2023
Statement of John J. Keller (jjkel@aol.com)

[Registered for Delivery via Zoom and delivered electronically]

Good morning. My name is John Keller. I am a member of **Manhattan Community Board Six**, by nomination of **Council Members Garodnick** (formerly) and **Powers** (currently) and appointment by former **Borough President Brewer**, honored now to serve under the leadership of **Borough President Levine**. I am a member of the **Executive Committee** of **Manhattan Community Board Six** and **Chair** of the Board's **Youth and Education Committee**. I was also elected and re-elected three times to the **Community Education Council for District 2** by parents and guardians across Manhattan and have served on **Parent Associations** and **School Leadership Teams** at the Elementary, Middle and High School levels of New York City **Department of Education** schools.

I am speaking today on my own behalf as a resident of New York City and the parent of two kids who attended New York City Public Schools for 13 years, K through 12, and not on behalf of Community Board 6 Manhattan or any of its committees.

I want to thank Chairs Brewer, Schulman and Velázquez and their committees' members for inviting us to speak today.

I want to speak briefly about a matter that is raising more concern than I have seen in many years among not only parents and guardians of children in public and private schools across New York City, but also among a broad range of community members in every Borough and neighborhood:

- **The proliferation of Smoke Shops and other retail venues, including mobile vehicles on streets near schools and on hastily-erected table tops in parks and playgrounds, for the unregulated and illegal sale of cannabis-related products, particularly when targeted at minors, including young children.**

You will hear much about this matter today from concerned citizens who have witnessed these violations firsthand. You will also hear much about the yet unknown physical and mental health impacts of these products on all of us, but especially on developing brains. I will focus on five simple points:

1. I urge that the **New York City Council pass legislation requiring Landlords and Management Companies to be formally notified** when a shop operated by one of their tenants is cited for a violation of MRTA or related regulations by the *Office of Cannabis Management* or the *Department of Consumer and Worker protection*.
- I further urge that such legislation include **finest on and penalties for Landlords and Management companies** if their tenant is still in violation of the law, after a reasonable period of time to remedy any violation, but not to exceed 90 days.
2. The "Grey Market" of illegal cannabis distribution is a **direct threat to Mayor Adams' equity-centered initiative to provide communities most harmed by cannabis prohibition, particularly communities**

Statement of John Keller: New York City Council, joint hearing on Proliferation of Unlicensed Smoke Shops in New York City (Committees on Oversight and Investigations, Health and Consumer and Worker Protection)

of color, with the opportunity to procure licenses for the legal sale and distribution of cannabis-related products.

- I urge this Council to **support the Mayor’s Cannabis NYC initiative** to support New Yorkers who want to build and operate legitimate, thriving cannabis businesses by taking firm action against those jeopardizing the success of this critical initiative, **including supporting fines, penalties, and other civil consequences on those who would distribute these products illegally as well as on the landlords and property managers whose premises they utilize for illegal purposes.**
- 3. I urge the Council to **amend local laws related to New York City Community Boards to include the authority to express approval or disapproval to the OCM of a license request in a particular Community Board District**, similar to the authority already granted to these Boards for the licenses granted by the SLA related to the sale of alcohol-related products.
- 4. I urge the Council **fully to support the work of the state’s Office of Cannabis Management and the City’s Department of Consumer and Worker Protection** with whatever enabling or supporting legislation or funding may be required so that they can do their jobs most effectively.
- 5. The illegal and unregulated distribution of the above-referenced products is in direct violation of “The Marihuana Regulation & Taxation Act (MRTA),” S.854A, signed into law on March 31, 2021, legalizing adult-use cannabis (also known as marijuana, or recreational marijuana) in New York State. The law was introduced by Senator Krueger on January 6, 2021.
 - Therefore, I urge the Council formally to **insist that the Mayor emphasize, as part of his ongoing dialogue with Albany, that Governor Hochul release as soon as possible the legislation related to further enforcement of the MRTA, which was originally included in Senate Bill S.9425 and now rests with the Governor.**¹

Thank you for your kind attention to our concerns.

###

¹ In 2022, Senator Krueger introduced, Senators Hoylman and Sigal co-sponsored, and the State Senate passed, **Senate Bill S.9425** regarding penalties and enforcement in relation to MRTA. S. 9425 **has been with the Governor since shortly after its passage**. It is reported that consensus has now been reached among the Governor, Assembly and Senate on the details of this legislation. Everyone concerned with this issue is **eagerly awaiting** Governor Hochul’s delivery of the consensus legislation.

There is a newly opened retail Smoke Shop on the corner of my home. The Smoke Shop is within 200 feet of our middle school. The community opposes the location as it is again too close to our middle school and in a direct path of students going to and leaving school. We oppose the Smoke Shop as we are concerned with loitering, and the undesirable behavior that it generates and the example it establishes for our children.

Will the 200 foot rule apply? The Alcoholic Beverage Control Law prohibits certain establishments (liquor and wine sellers) to be within 200 feet of a school.

Maxine Barnes
President Emeritus,
Sterling Street Block Association (Nostrand & Rogers Avenues)

Testimony by Susan Lee

Before Committee on Health, held jointly with the Committee on Oversight and Investigations and the Committee on Consumer and Worker Protection on Jan 18, 2023

Good morning, Chairwoman Schulman, Council members Ariola, Barron, Feliz, Hudson, Nacisse, Velazquez and Yeger.

My name is Susan Lee. Founding President of the Alliance for Community Preservation and Betterment. A civic engagement group representing several hundred residents and businesses in and around Chinatown. I am a resident of Lower Manhattan residing in zip code 10013.

In January 2023, the American Academy of Pediatrics stated that there was an increase of 1,375% in edible cannabis exposure among children under 6YO between 2017-2021. The largest increase was between 2019-2020. These edible gummies are sold in brightly color packaging that can be mistaken for gummy candies. In Exhibit 1, you will see the packaging of a Trolli Sour Brite Crawlers (which is available at Target for \$1.99) looks exactly the same as the packing of a Trolli Sour Brite Crawlers THC Sour Candies (which is available online for \$20). The only difference is the labelling at the bottom right corner where in the "candy" version, it listed **90 calories** while in the "THC" version, it listed THC **600mg**. The labelling is deceptive and dangerous. It is marketing as "candies" to young children.

I have noticed a proliferation of illegal smoke shops popping up in our neighborhood in recent years. Oftentimes, these stores have color decals with "cool" and sometimes "cute" characters to draw young people in. Some even displace marijuana paraphilia in their display windows. My neighbors and I started a google sheet (exhibit 3) to identify the smoke shops in the community. What we found within 1 mile radius are 13 illegal smoke shops. I am sure there are more which our group did not captured. 11 of the 13 in and around Chinatown are opened within 1000 from an educational facility, some are across the street from schools. Since October, 4 of the 13 have been held up, robbed and shot at. Having these illegal smoke shops operating in our community is an invitation for violence because robbers know that these businesses conduct transactions in cash and have expensive merchandise with them.

Unlike the licensed cannabis stores, these illegal smoke shops do not have the required security measures dictated by the NYS Cannabis Management Office. The products are unregulated and oftentimes, there are other hazardous substances mixed with the cannabis making it a dangerous and deadly combo.

Target



→ Brand

→ Name of
summy

→ 90 calories



Exhibit 1



→ Brand

→ Name of candy

→ THC 600mg

Trolli Gummy Worms - Sour (600mg)

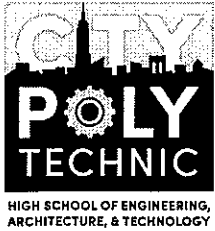
\$20.00

500mg THC Sour Candies

Exhibit 2

Name	Address	Community Board	District	Crime	Source
Smoker's Paradise	174 Hester Street	2			
Smoker's Paradise	172 Mulberry Street	2			
The Goodies Shop	1 Kenmare	2		10/17/22- stick up	https://thevillagesun.com/les-smoke-shops-getting-burned-by-armed-robberies
The Goodies Shop	64 Kenmare Street	2			
Allen Convenience Exotic Smoke	99 Allen St	3		10/1/22- Stick up-	https://thevillagesun.com/les-smoke-shops-getting-burned-by-armed-robberies
China Square Convenience	1 Division Street	1?			
Essex Street Convenience	49 Essex St	3		11/17/22- Robbery-	https://pix11.com/news/local-news/manhattan/man-broke-into-nyc-smoke-shop-and-stole-4500-in-tobacco-products-police/
Clinton's Exotic Convenience	79 Clinton	3		1/4/23- shooting/ botched robbery	https://www.nydailynews.com/new-york/nyc-crime/ny-lower-east-side-smoke-shop-robbery-man-shot-20230105-1356xw7yqvcthcqybsiteweey-story.html
Cream Shop	251A Elizabeth Street	2			
Partly Cloudy	203 Chrystie Street	1			
Madison Corner Convenience & Smoke	197 Madison Street				
E Smoke & Convenience	52 Canal Street	1?			
Go Zaza Smoke Shop	110 Delancey St	1			

Exhibit 3



December 15, 2022

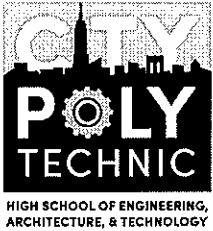
To Whom it may concern:

As a high school principal, I am afforded the unique opportunity to get a first hand glimpse of the changes in culture among young people. I get to see the latest fashion trends, best dances, the next social media trend and more. I get to see them develop and mature as individuals and as a group, while they strive to make meaning of the world. I remember when no students had cell phones, and now most students can't seem to live without one. I saw how Instagram changed friendships, and how Tik Tok created another layer of pop culture and expressiveness. It has been a journey!

While most of the changes have been a matter of accepting a new way of living with my students, one has been more challenging to navigate. That change is the increased use, sale and abuse of marijuana among high school students. I remember that just a decade ago, it seemed as if marijuana use was an issue for a small minority of my students; it was not one of the issues that I addressed on a regular basis. Times have changed. Today I address marijuana use daily.

I noticed the changes in our neighborhood as I noticed younger and younger students smoking and vaping. I saw students in other high schools smoking before and after school. Before I knew it, my own students were doing the same. I saw freshmen selling to other freshmen. I saw a smoke shop that sold edibles to 14 year olds with police officers standing a few feet away. I saw students high and unable to function in school. I saw students needing to get high in order to function at school. I saw students become dealers themselves to supply their addictions and habits. I saw whole friend groups change. I saw my student athletes smoking in the bathroom. I saw 8th graders in middle school smoking. Last year, I had to send four students to the hospital because they were sickened from contaminated edibles. One of them was admitted to the hospital for two weeks; his reaction was psychotic. It didn't feel like a few students anymore; it felt like more and more were using without knowing the source, impact or consequences of early marijuana use. The global pandemic only served to heighten marijuana use, students came back sad, isolated and trying to find ways to cope.

When Ms. Blades, our 9th grade guidance counselor at the time, introduced us to the Cultivated Community Foundation, it was a game changer for us. We told the Cultivated Community Foundation what was happening and they stepped in to do a workshop with our



9th grade students. They went from class to class educating our students without judgment or shame. *This meant everything.* Students were able to engage in open and honest conversations and had no worry of getting into trouble or being labeled. They asked questions for themselves and on their friend's behalf. It was a safe space to learn. It went so well that we invited them back twice to speak with our parents and run sessions with all of the grades in our school. We ALL learned so much from them. Esther, Jessica & Leo were relatable, down to earth, and met students where they were. Our students were riveted.

We all learned about the criminalization of the marijuana industry and how the War of Drugs impacted legislation, the penal system and lives of BIPOC people. We learned about the history, uses of and more importantly the future of cannabis in our country. We also learned about the impact of marijuana on the young brain, and we learned where to get support and help.

Overall, we have changed as a community as a direct result of the workshops. While I do not have hard data, in the weeks and months after the workshops, we saw a decreased use of marijuana among our students. We saw adults and students in our school community having more open and honest conversations. Counselors were able to use the workshops as a foundation for individual and small groups, allowing them to set goals with students who still struggle. Parents now have more tools for conversations with their children. Most importantly we are now an organization that has a resource in the Cultivated Community Foundation to guide us in this journey. We feel supported and prepared to continue the work of educating our students. We are forever grateful for all they have done, and I have no reservations in recommending them. Esther, Jessica & Leo are irreplaceable partners in this work.

Best,

A handwritten signature in black ink, appearing to read "April Mckoy". The signature is fluid and cursive, with a large, stylized "A" and "M".

April Mckoy

Principal

City Polytechnic High School for ENgineering, Architecture and Technology

From: Queen Mixxy <iamqueenmixxy@gmail.com>
Sent: Wednesday, January 18, 2023 10:42 AM
To: Testimony
Subject: [EXTERNAL] Testifying For Council Leader Gale 1/18/2023 - Follow up

On Wed, Jan 11, 2023, 9:59 AM <testimony@council.nyc.gov>:

Testifying For Council Leader Gale 1/18/22023

Hello,

Please see request to testify on January 18, 2023 at 10am at City Hall for Council Member Gale.

Please let me know if you need any additional information from me.

Thank you.

Good Morning City Council Members,

My name is Esther Lelievre. I am the CEO of Queen Mixxy Media & Mixxy Blossoms and Co-founder of Cultivated Community Foundation. I am the mother of a 15-year-old boy and had cervical cancer at the age of 19. I do Cannabis Education in High Schools, Parent's Senior Homes, and Community boards alongside my co-founders Jessica Naissant and Leonardo Jimenez. I wanted to speak today to make sure a true narrative of what is currently happening as we have been rolling out this Cannabis industry. Education not being the focus. Education on the law, on plants, education on the mental, and more.

We have been able to work and support district leaders like Senator James Sanders Jr., Assemblymember Anderson, New York State Representative Kimberly Pierre, Assemblymember Stephanie Zinerman, Assemblymember Kimberly Pierre, Council Member Farah Louis, and Senator Persaud with their efforts to provide accurate Cannabis education to the communities and its industry rolling out. Yesterday we had our education workshop with Community Board 10 in Manhattan with their Education and Libraries Committee, which had a lot of that district principals, school leaders, parents, CEC members, and the school Superintendent for that district.

We started with a class of 9th graders in May of 2021. So here are some of our takeaways from talking & listening to actual students and communities. There is a lot of confusion and people are still unaware of the laws surrounding cannabis. There is an emotional impact and harm from the war on drugs which still affects students and neighborhoods. We quickly realize that not only education on Cannabis was lacking but social services were going to be needed as the Cannabis industry rolled out. So we started expanding our work with the support of Khari Edwards CRC for Ayr Wellness Social Impact division.

Most of these students are getting fake or synthetic cannabis along with vapes, e-cigarettes, etc. Fake Cannabis can be referred to as K2, Spice, or fake weed. The fake weed is incense or potpourri or manipulated hemp and sprayed with harsh chemicals, roach sprays, and pesticides, to give a false illusion of a "high" like it is real cannabis. Fake weed should not be confused with actual tested Cannabis and Hemp. The majority of students and communities were unaware of fake weed.

To cut it short most of the consumption students are having are with fake weed. Within speaking with these students they were unaware of the laws and that there was an actual education/workforce option into Cannabis. 5 million dollars were given to Suny and Cuny School for Cannabis Education but how does that work if students are unaware of those college or educational opportunities options? How does that work if we still are pushing stigmas and not focusing on educating about Cannabis? We know last year was the lowest college admission rate across the country. After our workshops with high school students, we found there was a huge peak of interest in going into college for Cannabis.

Speaking to over 2000 New York teens in addition to their parents we found a huge interest in these areas:

Lawyers

Cannabis Tech

Cyber security

Biology/Chemistry - Huge interest from females in Science which has been an underrated area for women.

HVAC

Pharmaceutical

Cooking in Cannabis

And more with new innovative careers and tech that hasn't been created.

When speaking with seniors in several districts they are unaware of the Medical options or even Medical programs in New York State despite New York State having a medical program since 2014. The ones that are aware doctors have stigmas and won't speak to them about Cannabis as a medical option. Cancer has increased during the Pandemic and Cannabis was a medical option for my uncle who passed away in 2020 from stomach cancer. The most common questions we have received:

Is weed legal everywhere?

How do we get connected to these Cannabis training, workshops, or schools?

How do I get jobs in the Cannabis industry?

Where do I apply and how can I be a mental patient?

How can I get my doctor to look at Cannabis as an option for me?

NYS Cannabis Connect has been doing career jobs from across the state. Their data show 37% of people attending their workshops had already had a transferable skill that could attain careers in the Cannabis Industry.

I do believe that Enforcement of some kind is needed to protect youth and public health and safety but Education needs to be as much a focus as enforcement.

Some here are solutions:

Conversation with Chancellor David Banks and Teacher Union on plans to educate our students and DOE staff on Cannabis(Not like the DARE program)

More educational workshops around the state

Funding to vetted local nonprofits, and grassroots organizations like ours doing the work already in Cannabis

Conversation & follow-up action plans with State agencies that will be needed for social services in our Cannabis industry & black & brown communities

Inter-State agency unified message

Budgeting for FY24 for education as the Cannabis industry is growing

Working with Community Boards to get them more information/education

Social Services support and funding (We have people who entering back into society with Marijuana charges)

The tax revenue from Legal shops is being accounted for and truly reinvested back into our communities

Revisiting the medical program and changes needed to make Cannabis medicine accessible to our black and brown neighborhoods, seniors, and patients

Focus on consumer & medical patient rights.

I ask that you support the current Cuard applicants, and social equity applicants to come, and hold them accountable, so that diversity happens across the entire supply chain, as we currently experiencing that is not happening. So we do not have lawsuits or one person controlling the entire supply change or industry. We have seen other states fail and we still have an opportunity to get it right.

I urge you all to not let people who decided to be opportunists, that decided to jump in front of the line take away from the people who have been arrested, families have been affected dictate the way we can support those who are going the pathway to the legal Cannabis industry in New York State. Education will be the key to our Cannabis industry's success in New York State.

I have provided you all with a principal letter from the first school we did our workshop, and provided my contact information below:

Esther Lelievre Co-founder of Cultivated Community Foundation

Email Address- cannaequitygroup@gmail.com

Thank you again for allowing me to speak and look forward to supporting all your offices.



Alliance for Downtown New York, Inc.
120 Broadway, Suite 3340
New York, NY 10271
212 566-6700 Fax 212 566-6707
www.DowntownNY.com

**Testimony of Jessica Lappin, President of the Alliance for Downtown New York
Oversight hearing on Unlicensed Smoke Shops**

**Joint Committee on Oversight and Investigation, the Committee on Health and the Committee on
Consumer and Worker Protection**

**Hon. Gale Brewer, Chair, Hon. Lynn Schulman, Chair and Hon. Marjorie Velazquez, Chair
Jan. 18, 2023**

Thanks to the statewide legalization of marijuana in 2021, New Yorkers can now purchase regulated cannabis products at licensed dispensaries, a move that will right decades of wrongs caused by the War on Drugs while also generating meaningful tax revenue for the state. Unfortunately, while the state government begins to issue licenses for legal dispensaries, neighborhoods across the city have been flooded with businesses illegally selling unlicensed cannabis products. These businesses are flouting the stringent requirements the state has carefully crafted to ensure fair and safe marijuana sales.

Here in Lower Manhattan the number of illegal dispensaries has exploded in the last year. A single block of Maiden Lane is now home to two (possibly three) illegal cannabis distributors. But the City Council doesn't need to go that far to understand the scope of the problem downtown. An illegal dispensary appears to be operating at 253 Broadway, a city owned property directly across the street from City Hall.

The proliferation of these businesses is becoming a serious quality of life issue that impacts Lower Manhattan residents and businesses. These unregulated shops flout sensible locational restrictions that licensed dispensaries must abide by. Unlicensed shops selling cheap, unregulated products may also crowd out future licensed cannabis businesses boasting regulated, high quality, yet costlier goods. What's more, many of these businesses have replaced legitimate retailers that had until recently been providing needed services for our community.

A number of local legislators, including State Senators Brad Hoylman and Liz Krueger, have proposed stronger measures against unlicensed smoke shops, and we expect more to jump in as the city and state move further along in the licensing process. We applaud those who are taking steps to address this issue and encourage the City Council to work closely with the state government to increase enforcement, protect our neighborhood's quality of life and create a fair playing field for legitimate, licensed cannabis businesses.

About the Alliance for Downtown New York: *The Alliance for Downtown New York operates one of the largest business improvement districts in New York City. It manages the Downtown-Lower Manhattan Business Improvement District (BID), serving an area roughly from City Hall to the Battery, from the East River to West Street. For more information visit downtownny.com.*



Garment District Alliance
209 West 38th Street, 2nd Floor
New York, NY 10018
212.764.9600 T
212.764.9697 F

www.garmentdistrict.nyc
#garmentdistrict
Info@garmentdistrictnyc.com

January 18, 2023

City Council Hearing on the Proliferation of Unlicensed Smoke Shops

Good morning, Chairpersons Schulman, Brewer, Velázquez, and members of the Committees on Health, Oversight and Investigations, and Consumer and Worker Protection. My name is Barbara Blair and I am President of the Garment District Alliance, a business improvement district that operates to improve the cleanliness, safety and quality of life in our midtown Manhattan neighborhood.

Our community, which is bordered by Penn Station and the Port Authority Bus Terminal, also houses nearly 20% of Manhattan's hotel rooms. As such, this area is very often the first impression of visitors to New York City and right now, it literally and figuratively stinks.

The rampant proliferation of smoke shops, almost all operating illegally, is decimating our public realm. Less than a year ago we had one illegal cannabis shop, and we now have over 25. And that number has been growing steadily not only with the opening of new stores, but as existing retail stores unabashedly add cannabis products to their offerings. And, on any given day there are at least a dozen peddlers in various locations hawking cannabis goods on tray tables.

The lack of enforcement against these illegal operations is problematic to our community and visitors in several ways.

First there is a public health risk. Many of these unregulated enterprises are selling cannabis edibles with exceedingly high THC contents, without proper labeling. There are no guarantees that the products being sold are fit to be consumed as advertised and the establishments do not check to confirm purchases are over the age of 21.

Secondly, these stores are creating a public nuisance and are a growing community safety concern. As we have seen in our area, these illegally operating storefronts and street vendors are ignoring cannabis laws and refusing to adhere to city guidelines regarding small business operations, causing significant disturbance. It is our understanding from the NYPD that smoke shops illegally selling cannabis have also become the frequent targets of robberies because assailants know the store owners do a lot of cash business and will not call the police, with some instances escalating to shootings and stabbings.

Additionally, the lack of enforcement against illegal operators completely undermines the value of those establishments seeking to operate with a valid dispensary license. As the number of retail establishments and street vendors illegally selling cannabis grows without consequence, the value of issued dispensary or on-site consumption licenses will dissipate. Small business owners wanting to enter the market will not have any incentive to pay the costs and wait for a properly issued license when the barrier to entry for the unlicensed is significantly lower.

The Garment District Alliance respectfully requests that the Council support the enforcement capabilities of the NYPD and the Sheriff and enable local law enforcement to seize illegal products sold at these storefronts and by street vendors. We further support a State effort to expand enforcement power to the City, enabling the NYPD to seize illegal cannabis sold at unlicensed storefronts.

Our neighborhood, and the City in general, are at a critical juncture as we seek to rebuild our economic and social vitality in this post-pandemic era. Allowing these patently illegal operations to flourish in this highly visible area not only implicitly validates that activity, it creates the impression that New York City encourages illicit activity and cannot govern itself.

Thank you for your time and consideration.

Respectfully submitted,

Barbara A. Blair
President
Garment District Alliance

PUBLIC TESTIMONY

We supported the legalization of cannabis as a policy rooted in personal liberty and equity. We agreed that prohibition wasted public resources and that cannabis laws were disproportionately enforced in communities of color and against the working poor; legalization would enable cannabis to be better regulated and bring in much-needed tax revenue.

However, the permissive environment and absence of proactive enforcement of unlicensed cannabis shops and trucks throughout New York City have become a boondoggle for the legal effort— threatening the goodwill of the intended legislation and entrepreneurial opportunity for those who were unfairly and criminally targeted in the past.

Make no bones about it; what is occurring across the city, and in our neighborhood of Hell Square on the LES specifically, is illicit cannabis sales and delivery services moved from the street to brick and mortar without fear of repercussions.

For context, the land area of Hell Square is approximately 57 acres or .089 square miles, where the **oversaturation of 30 illegal cannabis retail stores/trucks** is occurring unabated, including just feet away from the elementary school, PS 20, and the high school, M515.

The clustering of illegal cannabis and smoke shops has reduced our neighborhood's quality of life and health standards and compromised public safety, resulting in robberies, slashings, and shooting at or around these locations.

In addition, the uptick in minors smoking weed on the street, in the roadbed sheds, and nearby Seward Park on lunch break, after-school, and on the weekends is alarming. And so is the marketing of cannabis products to resemble candy and snacks that target youth and youth culture.

Equally concerning is the cannabis and cannabis products being sold and ingested are from unregulated sources that fund the black market drug trade. Cannabis flowers and THC products have not been put through quality control or safety standards and likely contain harmful contaminants, and are made from unknown, unsourced ingredients.

Except for one business in the 30 surveyed in Hell Square, no other business is registered with DCAWP. Moreover, many businesses engaging in illegal cannabis sales are

also engaging in e-cig and tobacco sales without the required licenses to sell these products, according to the DCAWP license check.

Are cannabis dispensaries, mobile vendor trucks, and/or e-cig/tobacco smoke shops no longer required to be registered with DCAWP when every other business in New York City is? Also, what happened to ensuring a district's e-cig retail caps are maintained?

Additionally, there needs to be a better process for filing complaints, tracking complaints, and collecting resolution data. For example, a complaint sent by residents dated 09/26/2022 to the Office of Cannabis Management seeking relief and calling for an investigation into thirteen (13) illegal cannabis retail stores netted no known response or assistance from the agency tasked with keeping the public safe and enforcing cannabis laws.

1. Since the first complaint, the list of illegal businesses selling cannabis and cannabis products **has ballooned from thirteen (13) to thirty (30) in less than four months.**
2. Since the last complaint, **another robbery/shooting took place at an illegal cannabis shop.** The shop that was robbed and where the worker was shot, Exotic Convenience (79 Clinton Street), had previously been flagged by residents in the original complaint to the New York Office of Cannabis Management.

[Robbers shoot clerk at Lower East Side shop selling marijuana without a license](#) (N.Y. Daily News, Jan 2023)

Notwithstanding the increase in public disorder, public safety, and direct harm to underage youth and young adults under 21 years of age, **the City and State are losing tax revenue at a time when our libraries, parks, schools, etc., are being gutted or on the chopping block.** Additionally, these illegal cannabis businesses only accept cash payments, and many have predatory ATMs inside, taking advantage of customers.

We need a multi-agency task force to proactively target areas with a high concentration of illegal retail stores and sales, like ours. Raids and removal of illicit cannabis and cannabis products from unlawful shops cannot and should not be the end game. **Instead, businesses that are blatantly flouting the law, tainting the spirit of the legislation, and muddling equity opportunities must be shut down immediately.**

Previous raids, removal of products, and cease and desist letters have not been deterrents in our area because the quick all-cash profit model is too enticing. Also, any violations from Sheriff's Office, OCM, DCAWP, etc., following a raid are allowed to defer hearings and penalties for long periods and ignore cease and desist letters. This "due process" lag signals to the illegal vendors that they can continue business as usual, raking in more untaxed cash and selling dangerous, unregulated cannabis products.

Additionally, landlords and brokers must be penalized for their role in this debacle. **The remaking of the retail landscape in Hell Square on the LES is not by accident.** The illegally operating storefronts should be added to a publicly available OCM database that disqualifies them from engaging in housing future "legal" retail dispensaries or on-site consumption lounges.

Moreover, any storefront where there has been recent criminal activity, such as robberies, disorderly premises, etc., should be added to such a list as this information: 1) is a strong indicator of existing unsafe conditions in the immediate area as a whole and; 2) would help stave off future high outlet density clustering of cannabis retail dispensaries and on-site consumption lounges taking hold and overwhelming existing vice-heavy, i.e., nightlife saturated communities.

There is no gray in the existing law; any business engaging in the sales of cannabis or cannabis products must have a license from OCM. Likewise, any business engaging in the sale of tobacco or e-cigs must have a permit from DCAWP. We can't continue letting opportunists, unscrupulous lawyers, and landlords decry that the rules are unclear or they didn't know the rules. The gig is up.

The proliferation of 30 unlicensed retail dispensaries and smoke shops selling cannabis in Hell Square on the LES is unsustainable and dangerous.

Any hope for equity and reparations for past cannabis injustices is being thwarted by every illegal cannabis shop owner with a willing landlord who continues to operate. These vendors are (literally) poisoning children and adults with a precision that targets working-class neighborhoods and communities of color like ours. You cannot build wealth or health in communities that were criminally targeted in the past, or impactful legislation, if the thousands of illegal cannabis retail stores pockmarking every single borough are not held accountable.



LIM COLLEGE

545 Fifth Avenue
New York, NY 10017

limcollege.edu

January 18, 2023
Councilwoman Gale A. Brewer
Chair, Committee on Oversight and Investigations

Members of the New York City Council, I stand before you today to speak out against the proliferation of illicit smoke shops in our city. These establishments ignore the law and sell untaxed, untested, and potentially dangerous products to our residents and our tourists, endangering not only their health but also the health of our city. On top of that, these smoke shops pose an existential threat to conditional adult use retail dispensaries and to the entire legal cannabis economy in New York.

We cannot turn a blind eye to the dangers these shops pose to our city. However, I don't believe the people running these businesses are doing so with the intention to cause harm. And so I ask that you extend to them your compassion. Many of these shops are being operated by people who are brand new to the business of Cannabis. They're simply taking advantage of an opportunity to make money during a difficult economic climate. How do we incentivize them to participate in the regulated, legal market instead?

First, we must examine, who is operating these illicit smoke shops and who are their landlords?

Who's shopping at these stores and who is losing their livelihood due to these stores?

What does fair enforcement look like when just about every bodega is selling illicit Cannabis?

We cannot repeat the mistakes of our past. New York City has historically been the cannabis arrest capital of the world. As we enact legalization, we must never forget the harm caused by the failed War on Drugs, which disproportionately impacted communities of color. Whatever enforcement is implemented, it cannot perpetuate the same racial disparities.

I call upon the City Council, the Office of Cannabis Management, and Governor Hochul to take measured action regarding these illicit smoke shops. How do we create pathways for them to sell tested products, pay taxes and become good corporate citizens?

Everyone deserves an opportunity to be a productive part of the legal Cannabis economy. Together, we can create a safe and fair cannabis market for all New Yorkers.

Thank You,
Michael Zaytsev
Academic Director, Business of Cannabis

Testimony of Deepa Prasad, MPH
NYC City Council hearing on the proliferation of unlicensed smoke shops
Wednesday, January 18th, 10 AM

My name is Deepa Prasad and I live in Forest Hills, Queens. I'm speaking today as a staff member of Parents Against Vaping e-Cigarettes (PAVe), but also as a concerned parent and community member. I am dismayed by the number of smoke and vape shops that have opened up in my neighborhood and across the city, where dangerous flavored products are sold despite their illegality. These products increase the vulnerability of our youth and communities to a multitude of health risks and a lifetime of addiction.

I have spent the better part of the last twenty years working on tobacco control in New York City. Strong policies to protect New Yorkers from the harms of tobacco resulted in promising declines in youth tobacco use until e-cigarettes appeared on the market. Countless brands with thousands of flavors emerged quickly with colorful packaging and candy and fruit flavors that appealed to kids. A large percentage of teens began experimenting with these products, many of whom became addicted.

Use of nicotine vaping products is especially harmful to the still developing adolescent brain. It can rewire the teen brain for further addiction, and harm the parts of the brain that control attention, learning, mood and impulse control. E-cigarette vapor contains known carcinogens, other harmful chemicals and ultrafine particles that can be inhaled deep into the lungs.

My PAVe colleagues fought hard to help enact Local Law 228 of 2019, which made flavored vaping products illegal for sale in New York City. Yet, three years later, these products are still being peddled in unlicensed shops all over the city.

NYC has in place a cap on the number of tobacco and e-cigarette licenses. As of September, 2022, only a few neighborhoods had tobacco licenses available and none had e-cigarette licenses available. This means that most new stores selling tobacco products and any new stores selling vaping products are doing so illegally.

"Smoker Town Convenience" is just one of many stores that have recently opened in my neighborhood. A poster in their window advertises cigarettes, other tobacco products, e-cigarettes, CBD, hookahs and other associated paraphernalia. Flavored products in colorful packaging are visible through the window.

NYC must improve the mechanisms for enforcement of our tobacco and e-cigarette laws as they are clearly ineffective. We cannot allow these unlicensed stores to undermine the progress New York City could be making in reducing youth access to vaping and tobacco products.

Thank you.

Cynthia@parentsagainstvaping.org

Good morning. I'm so happy that we have this chance to address the proliferation of illegal smoke shops in NYC.

My name is Cynthia Stremba. I'm a parent and the director of volunteers for parents against Vaping e-cigarettes.

At PAVe, we hear from parents every day- asking for help because their kids are addicted to nicotine.

When a teen starts using nicotine, addiction is often swift. They start to have trouble in school, get kicked off sports teams. They develop trouble with relationships - socially with their peers and within their family.

Kids are too young to understand WHY their behavior has changed. They don't understand that nicotine changes the undeveloped brain - which doesn't reach full development until 25 or 26 yrs old.

We understand that Covid was so difficult on this city. There are many stores now empty. It pains New Yorkers to see them. But smoke shop retailers have taken advantage of what has been a difficult time in our city.

Smoke shops and convenience stores reinforce the manufacturers' techniques of using cartoon characters and candy-like packaging to attract children via store windows and at point of sale. In convenience stores - kids actually have to walk past product displays of vape products in order to get to soda and snack food.

Outside of the stores in NYC, retailers hand out cookies and candy to small children as they pass by after school. Children are being enticed and cultivated - groomed to accept and ultimately use substances.

The **normalization** of vaping nicotine often leads to cannabis use. And a child's early onset of tobacco or substance use is linked to a greater lifetime risk of developing a substance use disorder.

Parents of young children in NYC are scared. We need your help as we try to protect our kids.

We're pleading with you to take action against these stores that are openly and **greedily** selling products that were banned 3 yrs ago. Lack of repercussions have made illegal cannabis an easy next step.

Please take action against these unscrupulous sellers.

It's not good for our city when parents feel so powerless.



NYC City Council

"Proliferation of unlicensed smoke shops in New York City"

January 18, 2023, 10 AM

Good morning,

My name is Dorian Fuhrman and I am a cofounder of Parents Against Vaping e-cigarettes (PAVe) - a national grassroots advocacy & education organization founded in New York City in 2018.

We sat in this room in January 2019 with our kids and testified about flavored e-cigarettes like Juul which were then being sold in New York City, without any regulation or oversight, addicting our kids with extremely high levels of nicotine.

And let's be clear, NO amount of nicotine is safe for kids, whose brain and lungs continue to develop until the age of 25. These high levels of nicotine harm the developing brain of teens, affecting memory and impulse control, and also create anxiety and depression. Teens' brains are more susceptible to addiction during adolescence and, the younger a child is when they start using any substance, the more likely they are to get addicted. And, we all know that nicotine is a gateway drug.

Local Law 228 - 2019 became law in December of 2019.

Today we find ourselves back in this room to discuss the lack of enforcement of local law 228 - 2019 and the proliferation of these vape shops, popping up all over the city. **In reality, there are MORE vape shops in the city today than there were when this law was passed.**

With the delay of FDA oversight & regulation (the PMTA process) and the promise of new young customers and big money, the number of e-cigarette brands has exploded. Some of the brands being sold here have been denied marketing authorization by FDA and are therefore federally illegal, in addition to being illegal in New York City & New York State.

We get emails from parents across the city who are upset that these stores are opening everywhere, often near schools, often labeled as **convenience stores** selling addictive, flavored vaping products next to potato chips and soda, thereby normalizing these products and anesthetizing children to their presence.

Parents are reporting these stores (to 311.com) and nothing is happening.

We report stores and nothing happens.

These same stores remain open year after year selling poison to our children.

My own son, at the age of 15, was buying e-cigarettes from a store down the street from us and no matter how many times I reported it the store is still open to this day.

Through blatant lack of enforcement, these stores have become so bold that they are openly flouting the law, selling all these products out in the open (as opposed to under the counter as before).

The system is broken.

What we have learned is:

- Stores get a \$1000 violation charge for every illegal product they are selling. HOWEVER, the inspectors from DWCP (Department of Worker & Consumer Protection) do not always have the time to report every product. So they may only report one or two and move on to the next store. Even if they report every product, resulting in fines as high as \$50,000 or \$100,000, the stores are not deterred as they are often raking in huge cash profits.
- If a store can't pay the fines, they "sell" or "transfer" ownership of the store and the violations disappear under new ownership
- A store can ONLY be reported once every two or three months because it takes that long for the store to be inspected and the violation to be ruled on and the fine to be applied.
- Illegal products cannot be seized by this inspector, they have to be seized by the sheriff's office or the department of finance, which requires a separate report to a different department by the private citizen who reported it in the first place. DWCP does not share this with them. Therefore, even after they are fined, they continue to sell the same illegal products as they are not confiscated. *now they do*
- Additionally, there is nowhere for the illegal products, if they are indeed seized, to be disposed of.

In reality, the system has to change. **The City Council needs to change the laws and hold the stores accountable for the products they sell. The products should be seized, and after two or three strikes, the store should be shuttered. There is no other way to protect our kids from these predatory retailers.**

Thank you for your time,

Dorian Fuhrman
Cofounder
Parents Against Vaping e-cigarettes, PAVe
dorian@parentsagainstvaping.org

Dear Members of the NYC City Council,

Jan. 18, 2023

Thank you for this opportunity to address you on this issue of great importance to so many parents in New York City. On behalf of all parents and families of NYC, I am writing to you in support of enforcing Local Law 228 which was passed in 2019 which prohibits the sale of flavored e-cigarettes and flavored e-liquids, while clarifying the definition of characterizing flavor. In addition, I am urging you to step up enforcement of selling to underage youth.

My name is Mimi Boublik and I am a founding partner and full-time volunteer for Parents Against Vaping e-cigarettes, or PAVe, a national organization created by three moms as a grassroots response to the youth vaping epidemic and the predatory behavior of Big Tobacco.

I have three children, one of whom became hooked on flavored e-cigarettes when she was 17. She has been able to buy e-cigarettes across our borough of Manhattan with very little resistance. Vapes shops have opened up across this city and in our neighborhoods where our kids live and go to school. And convenience stores make these products highly accessible. Even with the ban on flavored e-cigarettes, this has not stopped youth from accessing these products in our city. They know which shops still sell flavored e-cigarettes, and even if the products are not displayed, many stores sell them. All kids need to do is ask. We need to do better to protect our kids by enforcing the law that was passed 4 years ago.

In addition to selling illegal products, many stores are selling products to youth under 21 and not doing any age verification. Since my son was 14, I have sent him into shops to try to buy e-cigarettes while I wait outside. He has never been asked for ID and never turned down. Once they handed him the product, he would tell them he didn't have his wallet and would walk out. He was 14 years old! Many shops are not respecting the law and selling to youth under 21. We need better enforcement to prevent our youth from accessing these products.

I am writing to you as a concerned parent and I am representing the kids and their families in New York City and across this country whose lives have been upended by the youth vaping epidemic. We at PAVe are constantly receiving heartbreaking emails from parents begging for help for their teen who is addicted to nicotine and desperate for a solution. We need help in limiting access to e-cigarettes. Let's enforce the laws already in place. This would go a long way in limiting youth access to these dangerous products.

We can't let this generation of kids become lifetime nicotine addicts and Big Tobacco's next lifetime customers.

Thank you very much for your consideration.

Sincerely,
Mimi Boublik

NY NY 10075

Good Morning City Council Members,

My name is Esther Lelievre. I am the Ceo of Queen Mixxy Media & Mixxy Blossoms and Co-founder of Cultivated Community Foundation. I am the mother of a 15-year-old boy and had cervical cancer at the age of 19. I do Cannabis Education in High Schools, Parent's Senior Homes, and Community boards alongside my co-founders Jessica Naissant and Leonardo Jimenez. I wanted to speak today to make sure a true narrative of what is currently happening as we have been rolling out this Cannabis industry. Education not being the focus. Education on the law, on plants itself, medical cannabis, and more.

We have been able to work and support district leaders like Senator James Sanders Jr., Assemblymember Anderson, New York State Representative Kimberly Pierre, Assemblymember Stephanie Zinerman, Assemblymember Kimberly Pierre, Council Member Farah Louis, and Senator Persaud with their efforts to provide accurate Cannabis education to the communities and its industry rolling out. Yesterday we had our education workshop with Community Board 10 in Manhattan with their Education and Libraries Committee, which had a lot of that district principals, school leaders, parents, CEC members, and the school Superintendent for that district.

We started with a class of ninth graders in May of 2021. So here are some of our takeaways from talking & listening to actual students and communities. There is a lot of confusion and people are still unaware of the laws surrounding cannabis. There is an emotional impact and harm from the war on drugs which still affects students and neighborhoods. We quickly realize that not only education on Cannabis was lacking but social services were going to be needed as the Cannabis industry rolled out. So we started expanding our work with the support of Khari Edwards CRC for Ayr Wellness Social Impact division.

Most of these students are getting fake or synthetic cannabis along with vapes, e-cigarettes, etc. Fake Cannabis can be referred to as K2, Spice, or fake weed. The fake weed is incense or potpourri or manipulated hemp and sprayed with harsh chemicals, roach sprays, and pesticides, to give an illusion of a "high" like it is real cannabis. Fake weed should not be confused with actual tested Cannabis and Hemp. The majority of students and communities were unaware of fake weed.

To cut it short most of the consumption students are having are with fake weed. Within speaking with these students they were unaware of the laws and that there was an actual education/workforce option into Cannabis. Five million dollars were given to Suny and Cuny School for Cannabis Education but how does that work if students are unaware of those college or educational opportunities options? How does that work if we still are pushing stigmas and not focusing on educating about Cannabis? We know last year was the lowest college admission rate across the country. After our workshops with high school students, we found there was a huge peak of interest in going into college for Cannabis.

Speaking to over 2000 New York teens in addition to their parents, we found a huge interest in these areas:

Lawyers

Cannabis Tech

Cyber security

Biology/Chemistry - Huge interest from females in Science, which has been an underrated area for women.

HVAC

Pharmaceutical

Cooking in Cannabis

In addition, more with new innovative careers and tech that has not been created.

When speaking with seniors in several districts they are unaware of the Medical options or even Medical programs in New York State despite New York State having a medical program since 2014. The ones that are aware doctors have stigmas and won't speak to them about Cannabis as a medical option. Cancer has increased during the Pandemic and Cannabis was a medical option for my uncle who passed away in 2020 from stomach cancer. The most common questions we have received:

Is weed legal everywhere?

How can we connect to these Cannabis training, workshops, or schools?

How do I get jobs in the Cannabis industry?

Where do I apply and how can I be a mental patient?

How can I get my doctor to look at Cannabis as an option for me?

NYS Cannabis Connect has been doing career jobs from across the state. Their data show 37% of people attending their workshops had already had a transferable skill that could attain careers in the Cannabis Industry.

I do believe that Enforcement of some kind is needed to protect youth and public health and safety but Education needs to be as much a focus as enforcement.

Some here are solutions:

- Conversation with Chancellor David Banks and Teacher Union on plans to educate our students and DOE staff on Cannabis(Not like the DARE program)
- More educational workshops around the state
- Funding to vetted local nonprofits, and grassroots organizations like ours doing the work already in Cannabis
- Conversation & follow-up action plans with State agencies that will be needed for social services in our Cannabis industry & black & brown communities

- Inter-State agency unified message
- Budgeting for FY24 for education as the Cannabis industry is growing
- Working with Community Boards to get them more information/education

- Social Services support and funding (We have people who entering back into society with Marijuana charges)
- The tax revenue from Legal shops is being accounted for and truly reinvested back into our communities
- Revisiting the medical program and changes needed to make Cannabis medicine accessible to our black and brown neighborhoods, seniors, and patients
- Focus on consumer & medical patient rights.

I ask that you support the current Cuard applicants, and social equity applicants to come, and hold them accountable, so that diversity happens across the entire supply chain, as we currently experiencing that is not happening. So we do not have lawsuits or one person controlling the entire supply change or industry. We have seen other states fail and we still have an opportunity to get it right.

I urge you all to not let people who decided to be opportunists, that decided to jump in front of the line take away from the people who have been arrested, families have been affected dictate the way we can support those who are going the pathway to the legal Cannabis industry in New York State. Education will be the key to our Cannabis industry's success in New York State.

I have provided you all with a principal letter from the first school we did our workshop, and provided my contact information below:

Esther Lelievre Co-founder of Cultivated Community Foundation

Email Address- cannaequitygroup@gmail.com

Phone Number - 917 346 7726

Thank you again for allowing me to speak and look forward to supporting all your offices.





January 18, 2023

City Council Hearing on the Proliferation of
Unlicensed Smoke Shops

Good morning, Chairperson Schulman, Brewer, Velázquez, and members of the Committees on Health, Oversight and Investigations, and Consumer and Worker Protection. My name is Tom Harris, and I am the President of the Times Square Alliance, the business improvement district that exists to make Times Square clean, safe, and desirable for all.

TIMES
SQUARE
ALLIANCE

While Times Square was home to fewer than three smoke shops only a few weeks ago, new unlicensed stores open in our neighborhood on a near-weekly basis. These storefronts fill vacant spaces that could otherwise be leased to legal small businesses and create enforcement challenges for our already congested district.

The Alliance supports the efforts of the City, State, and Office of Cannabis Management in the legalized sale of marijuana. We proactively met with OCM to discuss storefront criteria and how the Alliance can support legal and equitable dispensaries. Many of the unlicensed smoke shops fill vacant storefronts that could otherwise be leased to CAURD applicants, undermining the legislation's goal of creating a sale structure grounded in equity.

We ask that the Council support the enforcement capabilities of the NYPD and the Sheriff, and enable local law enforcement to seize illegal products sold at these storefronts. We further support a State effort to expand enforcement power to the City, enabling the NYPD to seize illegal cannabis sold at unlicensed storefronts.

As unlicensed smoke shops continue to proliferate, enforcement will only become more difficult.

Thank you for your time and consideration.

Tom Harris
President
Times Square Alliance



The Yemeni American Merchants Association (YAMA) is a grassroots nonprofit social service organization founded in 2017. Our mission is to educate and elevate Yemeni American merchants and their families through education, civil rights advocacy, business, and social service support. Based in Bay Ridge, Brooklyn, we seek to advance policies that support New York City's estimated 6,000 Yemeni American bodega owners and their families.

Council members Brewer, Velezquez, Shulman, today, we have a unique opportunity to come together and join forces to address the crises facing smoke shops across New York City. With this joint oversight hearing, let us take up the challenge by working collaboratively on a comprehensive plan that considers both community safety needs and small business rights.

A successful community; a thriving city; depends on collaboration, ingenuity, and a holistic approach to safety. By developing an effective plan that meets both the needs of citizens and organizations as well as small businesses, we can help create vibrant neighborhoods with long-term security for all stakeholders. YAMA in the past has presented to the City Council solutions to safeguard our children from smoke shop products and are prepared to do so now.

Over the past month, New York City Merchants have experienced an alarming disregard for justice and collaboration. The enforcement of a controversial interagency pilot exposed these merchants to potential unlawful search seizures without reasonable cause and offered little in terms of fair representation or opportunity for redress. We must ensure our fellow merchants access their rightful due process instead of facing serious repercussions and fines while attempting to make legitimate business operations. This can be achieved through consideration from both sides and cooperation between government agencies.

Our merchants face a complex reality: fearful, punitive measures against immigrant-run businesses. This is especially true for Arab and Muslim business owners who have firsthand felt NYPD/FBI surveillance's effects in the aftermath of 9/11. We must remember these bodegas and delis are essential businesses who kept our city afloat during the pandemic.

Last year, New York made great strides in cannabis legalization. Nonetheless, this progress is not equally shared amongst all businesses due to insufficient official guidance and language barriers. As a result of the bungled promotional effort of State "Legalized" Marijuana, immigrant-run businesses lack the necessary knowledge to meet city and state compliance. This hindered accessibility has put our merchants at risk of exposure to oppressive interoffice task force initiatives.



We urge the members of this Committee, City Council, City Agencies, NYPD and Sheriff to exercise their responsibilities with fairness and consideration for small businesses. YAMA requests that members of the Committee and City Council review the 53 locations throughout the five boroughs that were targeted by the interagency taskforce, and reconsider penalties issued to merchants as a result of the negligent due process. Moving forward, we hope these institutions will use a joint effort and execute authority in a manner befitting honor, respectability, justice, and equity.

Allie Ryan
Council District 2 resident

Jan. 18, 2023

Hello, thank you Councilmember Brewer, Councilmember Schulmann and Councilmember Velazquez for hosting today's hearing on the hot topic of illegal smoke shops. My name is Allie Ryan and my family and I live in Council District 2.

In 2021 the Stuy Fume Spot, an illegal smoke shop, opened in Spring 2021 on E 20th St between 1st Ave and 2nd Ave in Council District 2. Stuy Fume Spot did not have a tobacco or e-cigarette retail license; it did not qualify to a license because it was next door to a middle school and across the street from a school building that housed an elementary school and a middle school. Given the existing caps on tobacco and e-cigarette retail licenses, it was not possible for any new business to obtain a license. Stuy Fume Spot was shut down because it did not have a tobacco or e-cigarette retail license.

In 2022 and 2023 1400 illegal smoke shops have opened around the city. The smoke shops that open in close proximity of schools are most obvious to be illegal. The current illegal smoke shops are circumventing an established system of businesses applying for retail licenses, which includes committee boards, who have dedicated committees to review alcohol, tobacco, e-cigarette and cannabis licenses. If a smoke shops applies for a license, it must not operate within 500 feet of a school.

When school started this past September I started noticing on my bike rides numerous smoke shops masquerade as convenience stores across the street from schools in Council District 2. In fact a group of parents asked me to help shut down a smoke shop that was covertly preparing to open directly across a street from a middle school on a side street. We talked with our state elected officials, City Councilmember community liaison, community board members and a CEC member. I learned all residents, could do is visit the shop and register 311 complaints if we saw anything illegal. Even though this particular smoke shop did not have license. This smoke shop received five violations in one month. The current law enforcement process is not working because there are more illegal shops than enforcement manpower and honestly the rules are designed to kill illegal shops by a thousand fines.

Last night I learned at the 9th Precinct Community Council meeting that there are 54 smoke shops in the East Village and 40 of those smoke shops are illegal. The 9th Precinct collaborated with the NYPD Narcotics team to conduct search warrants and seize illegal merchandise at 3 illegal smoke shops in the past month. The smoke shops were not shut down. It's common to read in the newspapers or on the Citizen app of shootings and robberies at smoke shops at night, but what is omitted is that these incidents are taking place in close proximity of schools.

I learned that one smoke shop is run by a gang and it is situated three doors down from a preschool and across the street of a middle school. Someone was shot out side of this smoke shop in December 2022. <https://thevillagesun.com/man-shot-on-bustling-st-marks-place-near-weed-store>

It's hard to believe that a landlord or a broker does not know what a business sells in a storefront. So, I call for landlords and brokers to be held accountable for renting to storefronts to illegal smoke shops and be held responsible for creating the current grey market. Please create legislation to penalize landlords and brokers for renting to illegal smoke shops that do not have a tobacco license, an e-cigarette license nor a cannabis license and for renting storefronts within 500 feet of schools, religious institutions, youth centers, and playgrounds - as it is state law.

Is there legislation that a landlord has to held copies of licenses that their storefronts hold?

From: carlo pesante <cpesantes14@gmail.com>
Sent: Wednesday, January 18, 2023 3:35 PM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
carlo pesante

Forest Hills, NY 11375

From: Cecile Caer <cecile.caer@me.com>
Sent: Friday, January 13, 2023 9:18 AM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
Cecile Caer

New York, NY 10024

Vaping has become a growing concern among adolescents and teens like myself, particularly in inner city communities. This trend is concerning to me, as the negative effects of vaping on young people can be severe and long-lasting as I have seen with my own eyes. One of the biggest concerns with vaping among teens is the risk of addiction. Nicotine, the addictive substance found in most e-cigarettes, is highly concentrated in vaping products. This means that teens who start vaping are at a higher risk of becoming addicted to nicotine and developing a lifelong habit. Nicotine addiction can lead to a host of health problems, including increased risk of heart disease and stroke. Another major concern is the impact of vaping on the developing brain and exposure to nicotine can disrupt this process. Studies have shown that vaping can negatively affect memory, attention, and learning. It can also lead to mood disorders, such as depression and anxiety.. Vaping can lead to poor school performance and disciplinary problems, especially if students skip class to vape. It can also lead to a decline in social and familial relationships. In inner city communities, the problem with vaping among teens is particularly acute. These communities often have higher poverty rates, which can make it more difficult for families to afford the resources needed to help their children quit vaping. Additionally, inner city communities may have a higher concentration of vaping products, advertising and vape shops, making it easier for teens to access them.

In conclusion, vaping poses a serious threat to the health and well-being of adolescents and teens, especially in inner city communities. It is important for parents, educators, and community leaders to take action to educate young people about the dangers of vaping and to provide resources to help them quit. Additionally, policymakers such as yourselves, should consider measures such as increasing the legal age to purchase vaping products and implementing stricter regulations on the marketing of these products to young people.

Chloe-Marie Mora
cmora27@marymountnyc.org

From: Christina Richards <christinarichardsrolfer@gmail.com>
Sent: Saturday, January 14, 2023 8:52 PM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
Christina Richards

New York, NY 10023

From: D Flynn <flyhills@gmail.com>
Sent: Friday, January 13, 2023 10:47 AM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
D Flynn

Brooklyn, NY 11201

From: Daniel Mintz <dmintz01@yahoo.com>
Sent: Friday, January 13, 2023 8:45 AM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
Daniel Mintz

New York, NY 10023

From: David Zeh <davidzeh@gmail.com>
Sent: Tuesday, January 17, 2023 3:52 PM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
David Zeh

Forest Hills, NY 11375

January 18, 2023

To Whom It Concerns:

I am a lifelong NYC resident and parent of a teenager and as both of those things I am appalled at the ubiquity of marijuana in our city. It appears to have been made legal with far fewer regulations than alcohol or cigarettes, even though many strains of marijuana and marijuana derivatives (like vapes or edibles) can do far more damage to a user's physical and mental well-being than either of those things. A growing number of teens are being hospitalized for psychotic episodes brought on by the high levels of THC in modern marijuana products. Increasingly, they are also being treated for addiction because high-THC products are more addictive than "old-fashioned" low-THC pot.

Additionally, what few regulations there are seem to be flouted without any repercussions. For example, the number of unlicensed marijuana stores open across the city, often near schools, and the number of vape stores selling marijuana products for which they aren't licensed (also near schools). High schoolers and middle schoolers have no problem going into these stores and buying products that are illegal to sell to minors. Worse still, many of these products are being designed and packaged to appeal to adolescents (fruit flavors, gummies colorful packaging, etc.)

Finally, it's impossible to walk around the city lately without smelling marijuana being smoked on the streets and sidewalks. It makes the city feel seedy, lowers people's standard for public behavior and creates an environment conducive to law breaking.

Moreover, I believe the ubiquity of public marijuana smoking and stores selling cannabis products, the kid-friendly design of these products and the ease of acquiring them gives teenagers the impression that marijuana is "safe" or "more okay" than blatantly illegal drugs.

I believe many of the same standards applied to alcohol and cigarettes should be applied to marijuana to reign in its use across the city, especially among our young people. Namely:

1. There should be regulations similar to open-container laws limiting marijuana smoking in public and fines should be levied for breaking those laws. Perhaps the city should consider cafés or bars similar to those in Amsterdam where people can smoke out of their homes and in public but not on the street.
2. The minimum distance between Vape/Smoking/Cannabis shops and schools should be doubled to 1,000 feet. This will help to deter the stores from being able to market to teens. It's further than the requirement for bars, but kids are able to buy pot in this city far more easily than they can walk into a bar and order a drink.
3. All shops illegally selling marijuana and marijuana derivatives without a license should be closed down as soon as possible. If landlords lose these tenants they will quickly

become more cautious about renting to them and will make their own effort to make sure all licenses are in order and laws are being followed.

4. All marijuana products sold in stores should be packaged and carry warning labels about their health risks, similar to what is printed on packaging for alcohol and cigarettes. They should also carry a breakdown of ingredients and provide a THC percentage (like proof on liquor bottles, and alcohol percent on beer and wine). And there needs to be a mechanism for making sure that information is accurate. Right now, regardless of what the label says, if it says anything, cannabis products might contain dangerously high levels of THC or none at all.
5. And of course, many of these teens are using marijuana to self-medicate against anxiety, depression and insomnia as they continue to recover from the low-level trauma of long quarantine and Covid-related losses. There can't be enough money and manpower given over to the mental health counseling and medical help for our young people.

Thank you for giving me the opportunity to voice my concerns. I hope my ideas contribute to curbing the growing marijuana problem in NYC.

Regards,
Eileen Gunn

Written Testimony to New York City Council
Committee on Oversight and Investigations
January 18, 2023, 10 a.m.

By Elaine Cipriano
Forest Hills, NY 11375
Cipriano.elaine@gmail.com

I live on a quiet, residential street in Queens. In May 2022, The Haboob Vape Club (107-31 Metropolitan Ave, Forest Hills, NY 11375) opened in a storefront that was once a dry cleaner on my corner. Kids walk past it to go to school and to Eddie's, the local ice cream shop. This business sells vape (including flavored e-cigarettes) and smoke products. Its bright neon sign is lit at all hours.

I am aware that a business needs a license to sell e-cigarettes and tobacco products in New York City. The Haboob Vape Club does not have one.

In 2017, the American Cancer Society Cancer Action Network wrote a report, "Oversaturated," that linked the proliferation of tobacco and smoke shops in neighborhoods to higher rates of cancer (https://www.fightcancer.org/sites/default/files/Oversaturated%20Report%20for%20publication_0.pdf). This report led the city to establish a cap on the amount of licenses per neighborhood. In my neighborhood (community district 6), there are 40 active electronic retail dealer licenses and the amount is capped at 19. So there are zero available licenses for new vape shops such as Haboob. In fact, twenty-one existing businesses with licenses would have to close before a new license is legally granted in my neighborhood.

Since the Haboob Vape Club has opened, my street is now littered with vape packaging, used condoms, marijuana packaging, and small liquor bottles. I pick up this new trash every morning up and down my street before I leave for work. I have an email group of approximately 50 neighbors who are also concerned about Haboob Vape Club's impact on our community.

I have *repeatedly* reported this unlicensed business to the Department of Consumer and Workplace Protection (DCWP), 311, the Mayor's office, the

landlord of the building, the 112th precinct of the NYPD, my city council representative, community board 6, my state senator, my state assemblyman, the Queensborough President, the state Attorney General, and to local papers and news outlets.

The business has been investigated by the DCWP and found to be guilty of selling to minors, selling illegal flavored vaping products, unlawful packaging, and selling without a license. OATH hearings are set, the store owners do not show up, numerous fines are levied, and still this business is open on my corner. It seems the existing laws, while well-intentioned, are not enforced, and are without any teeth.

I am submitting this written testimony because I am one person, working on the one vape store on my corner. But since Haboob Vape Club opened in May 2022, I have noticed at least 5 new similar vape and smoke stores open within a mile of me in Forest Hills. I can not do this alone, City Council must act to strengthen enforcement and close shops that are not licensed.

Thank you.

From: Elizabeth DelToro <edeltoro@schools.nyc.gov>
Sent: Tuesday, January 17, 2023 9:44 AM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
Elizabeth DelToro

New York, NY 10024

Dear City Council Members,

My name is Janine Hodgkins and I am a Brooklyn Mom to two teenage boys, ages 17 and 19.

I am absolutely disgusted by the plethora of nicotine vaping products and all marijuana products on the market that my children can buy on every street corner in our Park Slope neighborhood. The availability of these products to underage minors is staggering. Something has to change and fast. This truly is a STATE OF EMERGENCY for our youth and my dear sweet children.

The nightmare of my older son's nicotine vaping addiction began when he was in middle school and he was approx. 12 years old.

Over the past five years, we have punished, confiscated, discussed, shown empathy and tried everything in our power to help our son to quit and yet we have still been unsuccessful in getting our now, 19 year old college student son to quit vaping!

He has told us that he wants to quit on more than one occasion. He and his friends have attempted to quit collectively by making a pact to each other and yet it hasn't lasted. He has tried using quitting apps to no avail. I believe the nicotine addiction is stronger than him at this moment.

Now that my son is home for winter break from his second year of college, I have noticed that his appetite has diminished. He is rarely hungry and he has a difficult time going to sleep at night. He loves spending time alone in his bedroom and can get angry quickly. He is consuming so much nicotine that it has seized his appetite and is making him so wired that he can't sleep at night! It is a horrible viscous cycle.

My younger son is 17 years old and a junior in high school. He thankfully, has never touched a nicotine vape product, however, he has recently begun smoking marijuana and eating edible candy flavored THC gummies. He chews them like they are candy in his bedroom while playing video games having is own little party on a school night! He and his peers have easy access to these marijuana products on any given day or night.

We have had countless conversations with both of our sons on the negative health impacts of marijuana and nicotine and it is if we are talking right thru them.

Our youth, my son included, are oblivious to the dangers of both **nicotine and** marijuana on the teenage brain. They are all being brain washed that these products are benign for them to use and they continue smoking and eating THC gummies.

I was soooooo happy when flavored vapes were banned. I felt like I could scream from a mountain top....FINALLY THE GOVT IS LISTENING TO US CONCERNED PARENTS! But what a disappointment that nothing has changed.

My greatest horror is that these nicotine products and illicit drugs are being sold at every single bodega in our neighborhood. There are smoke shops on almost every street corner and block of Park Slope. My children have to walk one block and have access to purchases that will ruin their lives. They are never asked for id's or proof of age, etc. These products are sold to them within minutes with no questions asked.

How could this be? There is absolutely NO REGULATION.

It's time to STOP this destructive force at its roots. You are killing our youth one vape at a time.

Please put regulations in place NOW!

Yours truly,

Janine Hodgkins

From: Jennifer Meltzer <jhmeltzer@gmail.com>
Sent: Tuesday, January 17, 2023 11:10 AM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
Jennifer Meltzer

Flushing, NY 11367

From: Abelow, Justin <JAbelow@HL.com>
Sent: Monday, January 16, 2023 2:20 PM
To: Testimony
Subject: [EXTERNAL] Vape Shops

I am a long-time resident of Carnegie Hill in Manhattan. After being raised on the Upper East Side, I in turn raised two children in the neighborhood, one attending school in the east 70s and one in the east 90s.

I am writing to forward my opinion about the proliferation of smoke and vape shops, many unlicensed, in our residential neighborhood, which I believe poses a threat to the family character of the neighborhood. One stretch of second avenue a few blocks from my apartment has no fewer than three vape shops within a 1 block length of the avenue (stradling 90th street). Others are only hundreds of feet from school entrances and along the most obvious corridors for student foot traffic. I think it is no accident that these clusters of shops have sprouted so close to several public schools (PS 290, PS 151, PS M169, etc.), parochial and Catholic Schools (Loyola, Regis, Marymount, Saint David's, Sacred Heart, etc.) and independent schools (Dalton, Nightingale, Spence, Chapin, Allen-Stevenson, etc.). It is hard to imagine that the high school and even middle school students of these schools are not a big part of the target audience for these purveyors of addictive products.

I am not sure what arrows in the governmental quiver are most effective or appropriate here (out-and-and out prohibition, strict licensing requirements, rules enforcing minimum distances from schools or others), but I urge you to do whatever you can to protect our youngest and most vulnerable community members from this potentially deadly temptation.

Yours truly,

Justin Abelow

jabelow@hl.com

Please consider the environment before printing.

From: Kristina Zeh <kristinatzeh@gmail.com>
Sent: Tuesday, January 17, 2023 10:09 PM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
Kristina Zeh

Forest hills, NY 11375

January 18, 2023

First, I want to thank you all for allowing this dialogue.

My name is Kyoko, I am a mother of 2 elementary school-age children.

I am here to discuss smoke shops and cannabis dispensaries, but especially smoke shops near schools. There seem to be more smoke shops and cannabis dispensaries than licenses that have been issued. Numbers just do not match. It seems that this industry is unregulated and free-for-all.

As you have noticed, it seems that there are smoke shops "popping up" on every block around us. Many of them call themselves "Convenience Stores".

Some stores have slangs such as "420" attached to their names. Many of them use cartoon, anime and game characters such as, the Simpsons, Pink Panther, Minions, Pac-Man, Naruto, and Family Guy. This reminds me of Joe Camel and the cigarette industry years ago.

It seems the target is teens, even younger kids. Not the legal age of 21 and older.

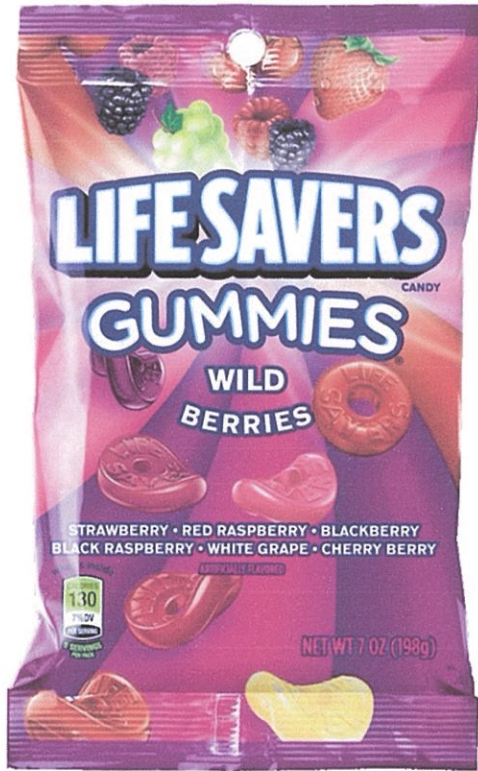
Now these shops and dispensaries are everywhere, many parents are concerned.

But they are also discouraged thinking that it is the way it is. I'm often told by parents, "these shop are just going to pop up everywhere and can't stop them". But the fact is, these shops and dispensaries SHOULD NOT be "popping up" everywhere. Without proper licenses, why should they be popping up?

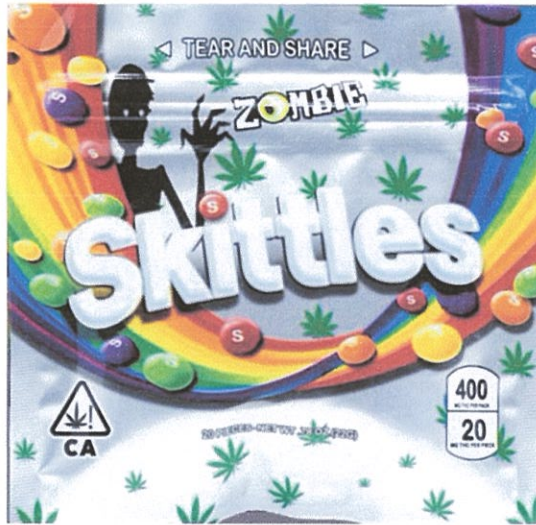
Too many smoke shops are close to schools. Some, right across from schools, less than 100 feet.

And let's also bring our attention on Gummies, lollipops, candies with THC. Many of these are disguised as regular, familiar brands of candies with small letters of "THC" printed on.

In Virginia, a 4 year old boy died because he consumed these gummies with THC in them. This is downright scary and should never happen. But it can happen quite easily because of availabilities of these disguised candies. Many smoke shops advertise that they sell these candies.









We also have weed trucks selling these products all over the city, including near schools. Even they are told to move by cops, they simply drive around and come back 15 minutes later. This is a true story that happened to a school on the east side of Manhattan. Who is regulating these trucks?

Smell of marijuana all the time everywhere we go. It has become a joke. Do we really want this for our city, for our children growing up?

It is being reported in the news that kids as young as middle school are getting high during the school day.

<https://www.thecity.nyc/2023/1/4/23538779/marijuana-use-nyc-classrooms-school>

Finally. Landlords should be penalized too. They allowed these places to pop up, anywhere including too close to schools because they are given no consequences by renting their properties.

I urge you to be tough on this issue, and please move forward quickly to protect our communities, especially the children and the schools.

Thank you,
Kyoko Ishida

From: Mark Berman <markb@wrbgrou.com>
Sent: Friday, January 13, 2023 1:49 PM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
Mark Berman

New York, NY 10128

These are my personal experiences with a smoke shop which opened up one block from my apartment in October of 2022.

The “Battery Park Convenience” smoke shop opened with signage in the windows advertising JUUL, Hyde and many other vape brands. There were also many balloons outside the front door and the place was exceptionally brightly lit. The store sells a large variety of snack foods/drinks, toys and smoking products. Right from the outset it seemed suspicious that a store which is not targeting kids would choose this particular combination of product.

Our local K-8 public school is just a block from the vape shop. Within the first day of opening the middle school kids, who are allowed to leave the school during their lunch break, started going into the store. In fact, they were given free chocolate by the store. One sixth grader told my son that the store clerk called him his “best customer” and had promised to stock any product which he requests. This kind of marketing directly to kids is certainly not customary or welcome.

The store was selling illegal products, using illegal signage and appeared to be operating without a tobacco license. Many parents from my neighborhood, South Battery Park City, reported to shop to 311 and other relevant authorities. Within a few weeks the store was raided by the Sherriff and a large quantity of illegal items was removed. The signage was also taken down, due to the close proximity to the school.

Since the raid the store is once again operating in the same fashion, but minus the signage. There is no question in my mind that this store, and others like it:

1. Are specifically attempting to attract kids (based on the abundance of flavored vaping products, their combination with toys and candy, and the colorful interior); and
2. Blatantly disregarding the applicable laws.

My neighborhood is largely residential and can benefit from more small businesses, but this sort of store does not serve our needs. It must to be held accountable to the existing laws so that the legitimate convenience stores, which we DO need, are not crowded out.

Mia Marais

New York, NY 10280

From: nancy hebert <nancylhebert@gmail.com>
Sent: Friday, January 13, 2023 3:48 PM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
nancy hebert

New York, NY 10028

From: Paul Kiesler <pdkrussia@hotmail.com>
Sent: Friday, January 20, 2023 3:41 PM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I am a long term resident if the East Village, near Stuyvesant square. There are numerous schools throughout the neighborhood and we are blessed to have so many students in tfe neighborhood.

Over the past few years there have appeared numerous smoke and vape shops and they now can be found on nearly every street. They surround every school and advertise products which are damaging to our kids health. My understanding is that they are not licensed - for good reason. .

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City’s kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as “Convenience Stores” where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping. tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
Paul Kiesler

New York, NY 10003

Hearing on the proliferation of unlicensed cannabis shops

ABBREVIATED TESTIMONY:

Thank you for the opportunity to speak with you today. I am Paula Collins, a resident of the West Village and Community Board 2. I am an Enrolled Agent, and an attorney. I am a member of the Social Equity and Diversity Committee of the International Cannabis Bar Association, and I am a co-founder of the New York Consortium of Cannabis Accountants.

As of today, it has been 658 days since the Governor of New York signed the MRTA into law. That makes 658 days in which it has been legal to smoke marihuana, but not legal to buy.

What a confusing puzzle the state has given to us!

We must realize that the state played a major role in creating the confusing environment that fueled the proliferation of the unlicensed shops. My written remarks go in to great detail on my plan to offer a transitional license to the existing shop owners, as well as an analysis of how we got where we are, and what would happen if we closed all of the shops immediately (instantly unemploying about 30,000 New Yorkers, by the way).

I am a tax attorney. **I estimate that offering a transitional license to the existing unlicensed shops would generate approximately \$60 million per year in city sales tax revenue. We could do this in as few as 60 days** via the creation of an emergency measure from the state. The city is broke. Can we really afford to turn away that money without making real effort to see if we could capture it?

While cannabis regulation is for lawmakers in Albany to decide, I want to speak with you about the fact that enforcement against the unlicensed shops is inconsistent with the November 2022 Ballot Initiatives passed by New York City voters. Much of the vitriol against the unlicensed smoke shops is there simply because many shops are owned by people from Middle Eastern countries. How hypocritical of us to add a preamble to the city's charter, or establish a city Racial Equity Office as we take enforcement action against shops that are largely owned and operated by people of color and by immigrants. (Please see my written remarks in which I also address inconsistencies of enforcement from the city with the third ballot initiative on the cost of city life, passed by the voters in November 2022.)

In conclusion, the government did not win the War on Drugs. Enforcement does not work. As a city, it is vitally important that we remain consistent with ballot initiatives that voters approved mere weeks ago. Let's join together and find a way to get a transitional plan for the currently unlicensed marijuana shops.

Thank you very much,
Paula Collins, EA, Esq.

Hearing on the proliferation of unlicensed cannabis shops

FULL REMARKS

Thank you for the opportunity to speak with the members of the Committee on Health, the Committee on Consumer and Worker Protection, and the Oversight and Investigations Committee. I am Paula Collins, a resident of the West Village and Community Board 2. I am an Enrolled Agent, which is the highest credential offered by the IRS. I am also an attorney, licensed in New York and in New Jersey, and admitted to practice in the U.S. Tax Court and all federal and state courts in New York and New Jersey. I am a member of the Social Equity and Diversity Committee of the International Cannabis Bar Association, and I am a co-founder of the New York Consortium of Cannabis Accountants.

I am here to ask the city to curtail participation in the multi-agency taskforce enforcement against the unlicensed cannabis shops, and to enlist your support in working with lawmakers in Albany for a transitional license for the smoke shop and convenience store owners.

I'd like to walk through a very brief analysis of what happened to create the proliferation of the unlicensed smoke shops, a proposal of what we could do to support the city and state in their efforts to bolster the budding state cannabis industry, and to call on the city to curtail any participation in the enforcement taskforce that has begun against the smoke shops.

First, what happened to create the proliferation of the unlicensed smoke shops?

As of today, it has been 658 days since the Governor of New York signed the MRTA into law. That makes 658 days in which it has been legal to smoke marijuana, but not legal to buy.

What a confusing puzzle the state has given to us!

Let's start with the consumers. Of course, consumers trooped in to CBD shops, bodegas, and smoke shops and asked, "Do you sell the real stuff?" when MRTA made it legal to smoke. Any good business owner knows that it is vitally important to meet consumer demand. Without the smoke shops, consumers would have been driven into the shadows to buy the marijuana they could legally smoke as of 658 days ago. There are, of course, the very few medical dispensaries. Home grow wasn't legal until recently, and it too requires a medical card. As of December 30, 2022, we have one licensed adult-use dispensary in Manhattan. So – where else were the consumers to go when they got the right to smoke, but not to buy, and when this dragged on for 658 days? I mention this because the state played a very big role in creating the environment that allowed the smoke shops to proliferate.

Hearing on the proliferation of unlicensed cannabis shops

So that's the consumers. Let's look at the shop owners. How did they think that they could open and sell unlicensed cannabis?

The MRTA defines a sale of cannabis as a transaction in which there is an exchange of cash for cannabis. In the intervening 658 days, a number of business owners opened shops with structured club memberships and gifting programs that fall into this very narrow space in the law in which they are not selling cannabis – they are selling club memberships or items such as stickers, artwork, NFTs, Tshirts – you name it. (It's curious that state lawmakers left this loophole in the NY law, since the model of gifting and club memberships has been notable in other cities, such as Washington, D.C. So again – the state played a very big role in creating this environment that fostered business development by the smoke shops.) Without immediate response from the state regulators, other business people followed the neon cannabis signs and started smoke shops and convenience stores that actually involve transactions of cash for cannabis. So in the intervening 658 days since MRTA passed, we have seen the type of transaction that happens in the unlicensed shops evolve.

What do the unlicensed smoke shop owners want?

Almost every day, I get phone calls from shop owners who ask me to help them get a license. Contrary to what others might say, my experience is that the overwhelming majority of smoke shop owners *want* to be licensed. But wait – after 658 days, there isn't even an application portal available to the public. Not to anyone. Not for any amount of money. Again – that's on the state. It's been a long time since MRTA was passed without providing a viable option for obtaining a license.

How and why did the shop owners think that they could open these businesses?

The overwhelming majority of smoke shop owners whom I have met sincerely believed they were demonstrating enthusiasm and business savvy. We saw the state's ad campaign, Cannabis Conversations. Many shop owners saw those ads, too, and honestly thought that the state was announcing that cannabis was legal. Further, we have seen press coverage of OCM alongside legacy operators, allegedly welcoming marijuana dealers into the licensed market. In the middle of the Covid lockdown, many shop owners thought surely the regulators would reward their initiative and place them first in line for a license, fully understanding that it would take the state a period of time to get its license application together. Now, somewhat hypocritically, the state is defining some unlicensed vendors as "legacy" and other unlicensed vendors as "illicit". Illegal and illegal-er. The state played a big role in creating this confusion.

Some naysayers criticize the unlicensed cannabis shop owners as being opportunistic. Yes, they saw an opportunity, but last I checked, seizing an opportunity is not against the law.

Why should New York City Council defend the shop owners, or delay enforcement?

Hearing on the proliferation of unlicensed cannabis shops

The shops are profitable. I know this because I have seen the books for several of them. I ask you: why would New York City Council participate in efforts to shut down profitable businesses at this particular moment in our city's economic history? I'll review some of the sales tax information later in my remarks. It is significant revenue that the city is turning away if we close the shops.

The shops provide tenants for the commercial landlords, who were devastated by Covid.

To the average individual, the shops ARE the cannabis industry in New York. (How many times have I heard people – even other attorneys -- say, “Oh yeah – they're legal, aren't they?”)

And yet, there is a steady cry to close the unlicensed shops, rather than to work with them to bring them into compliance.

How could licensing the smoke shops actually help the state-licensed cannabis industry?

In placing the currently unlicensed shops into a regulated framework -- with all of the accompanying compliance costs that the state-licensed shops contend with -- we can narrow the pricing gap that has been so devastating to licensed shops in other states. If the price of products from the unlicensed shops were more in alignment with the price of products in the state-licensed shops, consumers will be more likely to shop in the licensed shops rather than from their “weed guy” down the street. At this time, consumers are hard-pressed for reasons to pay \$80 for a product in a licensed shop when they could pay \$25 for a substantially similar shop in an unlicensed shop. By licensing the existing shops, we are forcing them into a compliance regimen, thus substantially narrowing the gap in pricing.

This gap in pricing is a nationwide problem, and New York could possibly set the example for the entire country to fend off the ill effects of the so-called grey market in cannabis.

Remember...

The government lost the War on Drugs. All of the raids, tax liens, debarment, and closure of the shops will not stop the sale of cannabis. As it is, many of the shops that have been raided have opened re-opened after the raid. Their clientele came out in droves to support them, driving their sales ever higher.

Pause here and let's imagine a scenario in which all of the shops magically could be closed. Immediately our city would have anywhere from 10,000 to 30,000 people unemployed. It's hard to know exactly how many, because I don't know how many shops there are, but count on about 4 employees per shop.

Hearing on the proliferation of unlicensed cannabis shops

Secondly, we would lose the chain of custody on product. I'll speak more about public safety issues later in my remarks, but right now let's just make note that right now, if there is a suspicion that a product has made someone ill, we can go back to that shop and ask the owner about the source and the processor. If that shop closes, who knows how we will find that information.

If the shops close, we will see the blight on commercial leases increase exponentially. One of the things that has made it possible for the shops to open is that there aren't exactly new coffee shops, bookstores, gift shops, and other small shop owners begging to sign leases.

If we close the shops now, we lose the opportunity to generate approximately \$60 million per year in city sales tax revenue (that's the 4% that the city will get from sales of cannabis). As all of us know, New York City is not exactly in a position to turn down tax revenue right now.

If we close the shops now, millions of residents and tourists will be befuddled, and confused. They will ask: does New York have a cannabis industry, or not?

As for tax liens as a means of enforcement, you are simply moving largely unbanked people further into the shadows, never able to get a mortgage or an apartment in their name because of the damage to their credit report. And do you think that such a lien will cause them to have other career opportunities open up? Be real. An onerous tax lien, such as what has been contemplated, will only force a large, dynamic segment of the population further under the radar, where they will still sell their cannabis because they will have fewer opportunities than before they had the enforcement tax lien.

Most importantly, if we close the shops now, all of that business goes back to the dark corners of parks or the alleyways between buildings. Instead of operating from a shop with the lights on, the business owners will operate from the apartment that might be in your building, or the sidewalk of the building where your children go to play.

Public Safety Concerns

A recent study raised the issue of public safety in the products found in the unlicensed shops. You are probably thinking, "How in the world can this woman say we should advocate for the shops when I read in the paper that the shops sell unsafe products!" Let me address that.

First of all, the people who funded that study (the Medical Marijuana providers) have an interest in closing the shops, and they are disgruntled over being locked out of the adult-use market, not to mention the huge price tag the state will assess them to enter the market in three years. So, of

Hearing on the proliferation of unlicensed cannabis shops

course they had a huge bias to present. Follow the money in order to understand the motivations for that very alarmist study.

Secondly, if you simply google “problems with cannabis testing,” you will see that the cannabis testing industry is fraught with challenges, ranging from accuracy to outright manipulation of reporting. We hear from other states that there is a problem with irradiation of the product in the testing process, viruses and molds that do not get identified in the standard testing processes, and breakdown in the integrity of the plant DNA due to the cloning process that some growers use. Thus – testing is not necessarily going to eliminate all of the impurities and other issues in cannabis.

Third, if all of the existing shop owners tried to get their products tested, New York state simply does not have enough labs to accommodate that volume. We hope one day there will be enough cannabis testing labs. For right now, there is a tremendous backlog. Some of my clients have attempted to get products tested and could not get a reasonable turnaround. By the time the product went through the lab and came back, it would be old, dried out, and it would have lost value in the market.

Another safety issue has to do with **chain of custody**. Right now, if a consumer gets ill from tainted product, we can reasonably identify where it was purchased, talk to the shop owner, and get some idea of the origins of that product. If enforcement against the shops were to cause these transactions to go back underground, we might spend considerable NYPD and health department resources tracking down that dealer, getting them to be forthcoming about what they sold, where they got it, what was in it, and so forth. The shops actually serve as an excellent means to identify chain of custody. Many shop owners, once you have gained their trust, will very proudly tell you what is on their shelves, where they got it, where it was grown, the conditions under which it was grown, and why their product is so much better than the product at some other shop.

Community Boards

Another issue that I’d like to address is the frustration experienced by community board members that they were not consulted before shops were opened, as they might when a business owner applies for a state liquor authority license. Please note that New York Office of Cannabis Management made a similar move in Harlem when they simply announced that there would be a dispensary on West 125th without consulting the local community board. And in the December meeting of Community Board 2, after the testimony from Housing Works and The Doe Fund, community board members were confused: did they have any say in whether the conditional adult use dispensary license would be issued? Were they supposed to write a letter either recommending or declining to recommend the license? What exactly is the community board’s role in this process? And why wasn’t that role clearly communicated?

There is a clear pathway forward to address the issue of the unlicensed smoke shops

The plan I propose to license the existing cannabis shops is a temporary window of time in which shop owners can log in, verify their Certificates to Collect Sales Tax, affirm their payroll

Hearing on the proliferation of unlicensed cannabis shops

tax credentials and show evidence that they are current with personal and business tax obligations. Additionally, unlicensed business owners would be required to show evidence that they have protocols in place for verification of customer age, and that they show due diligence for testing protocols, lab verification, and chain of custody of the products they sell. Once this verification is completed, shop owners would be issued a temporary, conditional license. In order to convert the license to a regular license, they would be required to appear before their respective community boards, and show continued compliance with the items listed above. If a community board denies their ability to conduct business at their existing location, they will be given 120 days to find a new location, also subject to the requirements above.

After a limited-time enrollment period, this opportunity to get a transitional license would close. This plan is similar to what was done some years ago in San Francisco. Washington DC is currently rolling out its pathway for a transitional license.

Getting back to the issue of enforcement against the unlicensed shops, you are aware that New York City has already participated in the joint task force to participate in the raids on the unlicensed shops. These enforcement raids do not work. Shops are back in business – sometimes on the same evening of a daytime raid. And the customers come out in droves to support them, thus raising sales volume higher than before the raid. Face it – the raids do not work.

I recognize that cannabis law is state law, and our discussion today is about the proliferation of unlicensed shops in New York City. I implore you to withhold enforcement action through city agencies against the shops for the present time.

Enforcement against the shops is inconsistent with the November 2022 Ballot Initiatives

As for matters over which this body has control, please let me point out that enforcement against the unlicensed shops is inconsistent with three of the four ballot initiatives that this body passed in the November 2022 election. Much of the vitriol against the unlicensed smoke shops is there simply because many are owned by people from Middle Eastern countries. Enforcement against the unlicensed shops is inconsistent with the voter-approved measure to add a preamble and statement of values to our city's charter that highlights historical injustices, embraces our city's diversity, recognizes what city residents need to thrive, and establishes values grounded in equity and justice. Similarly, enforcement efforts against the shops is inconsistent with the November 2022 Ballot Initiative to establish a city Racial Equity Office. Many of the owners and employees of the shops are immigrants or people of color. Do we really want to take regulatory action against such a demographic within mere months of passage of these ballot initiatives?

Enforcement against the unlicensed smoke shops is inconsistent with a third Ballot initiative passed in November 2022, to measure the true cost of city life. The 658 days since the MRTA has been signed into law represent a regulatory limbo for unlicensed cannabis business owners. With their earnings from the sale of cannabis, some of my clients support three households: their own, often including a domestic partner and children, the household where a former partner lives

Hearing on the proliferation of unlicensed cannabis shops

with children, and the household of a parent, grandparent, or older mentor. About a year ago, in a one-to-one conversation I had with Chair Tremaine Wright, I asked her if there might be some type of amnesty or temporary license for such an individual. Chair Wright suggested that business owners suspend operations and wait for a license opportunity to develop and for them to get approval. Such a tone-deaf response overlooks the true cost of life in the city, and implies that rent could go unpaid, groceries not replenished, and children's basic need go unmet for literally years while OCM gets it together to roll out a license application portal. You say, "Go get a retail job." Well, we could look at the entourage of socio-educational issues that would make it very complicated, if not impossible for someone who had been selling weed for decades to pack it in, get an hourly wage job at a retail establishment, and wait for the license application to open up. All while state officials are cozying up to so-called legacy operators in the press and purporting to work with the grey market.

In conclusion, the shops are unlicensed because they cannot get a license. The state played a major role in creating the confusing environment that fueled the proliferation of the unlicensed shops. We have a way to generate \$60 million a year in tax revenue from businesses that are already up and running. Do not engage in enforcement; engage in advocacy to license and impose expectations on the unlicensed shop owners regarding product testing, shop location, and taxation. I have included a summary of the plan that I am submitting to the state in the public comment period on the cannabis regulations. I hope that you will read it and understand that I am not proposing a free-for-all; I am proposing a way to move forward that will ultimately help the city, the state, the existing unlicensed shops, and the newly formed state-licensed cannabis industry.

It is regrettable that on this day, January 18, 2023 – 658 days -- almost two years after the governor signed the MRTA into law, no amount of money or connections can get you into a portal to apply for a license to operate an adult-use cannabis business in New York State.

We did not win the War on Drugs. Enforcement does not work. Let's not engage in the War on Drugs 2.0. Let's join together and find a way to get a pathway for licensing the currently unlicensed marijuana shops.

Thank you very much,

Paula Collins, EA, Esq.

Summary of the solution I propose to Albany:

The solution I propose is that we conditionally license all business owners who are actively participating in the sale of THC and derivative products.

Allow a nominal period (say, 60 days) during which existing legacy business and brick-and-mortar shop owners show evidence that they have:

Hearing on the proliferation of unlicensed cannabis shops

- 1) a means of testing the products they sell, evidence by a Letter of Intent from a New York State testing lab to establish a relationship and an account for ongoing services, or to show that their products have certification and test results available;
- 2) a Certificate of Authority to Collect Sales Tax (or for growers, evidence of registration to pay cannabis cultivator taxes);
- 3) a means of keeping product and on- premises cash secure through cameras and lock boxes;
- 4) Standard Operating Procedures for verifying age of consumers;
- 5) a Labor Peace Agreement;
- 6) evidence of workman's comp insurance and payroll tax reporting and payment;
- 7) for dispensaries and delivery operators, a relationship for obtaining product from a licensed New York State cultivator demonstrated by a Letter of Intent;
- 8) clear title and insurance for delivery vehicles;
- 9) an affidavit of commitment to minimum price points (to address complaints that one Brooklyn shop offered free weed for 90 days, which resulted in a turf war among neighborhood dealers).

The initial 60-day period for applying for a transitional license will end with a hard close, and with no extensions.

After that date, landlords take responsibility for leases to unlicensed shops, and business owners face immediate lock out by County Sheriff's Marshalls.

After the 60-day nominal period has concluded, plant-touching activity by unlicensed vendors, delivery, storefront, cultivation, manufacturing, or processing will be subject to charges under NY Cannabis Law.

An individual entity can only obtain one Transitional License. A business affiliate or related partner can obtain a Transitional License in another plant-touching activity. This is different from the regular licenses proposed by New York regulators, in which a dispensary license permits delivery activity and eventually an adjoining space for on-sight consumption. The purpose for this limitation is to impose a penalty with the Transitional License, as a means to quell the outcries from those who are upset that these businesses skipped the line.

No Transitional License will be issued for a business that commenced operations after the first date of the application period for the Transitional License. No new location for an existing enterprise will receive a license if the new location was secured after the first date of the application period for the Transitional License.

Within six months (180 days), and after demonstrating compliance with each of Items 1-9 above, and on condition of no incident or infraction with any other regulation or law (such as unlicensed sale of cigarettes, unlicensed sale of alcohol, sale to minors, incidents of violence on premises, default on payments to farmers or producers, arrearage on sales tax, arrearage on payment of payroll tax), issue a Conditional License, good for as long as one year.

Hearing on the proliferation of unlicensed cannabis shops

No Transitional License will be valid after 180 days of its issue. A business that fails to qualify for a Conditional License will be forced to vacate its premises and cease operations. County Sheriff's Marshalls will be empowered to lock premises, or in the case of shops in New York City, NYPD could have such power.

During the one year Conditional License business owners who formerly held the Transitional License must pass scrutiny with municipalities and Community Boards. If a business owner fails to gain approval from the municipality or Community Board, business owners may have 90 days to cure the deficiencies and reapply, or to find a new location, also subject to municipality or community board approval. The reason for this is to cure any defects in distance from schools, churches, parks, and other similar businesses. It's also to give Community Boards a voice, which is a big sticking point in the camp that opposes the unlicensed smoke shops.

Upon approval by the municipality or Community Board, business owners who had operated under a Conditional License may receive a New York State Cannabis License good for two years, renewable upon evidence of continued compliance with all taxes including personal and business taxes and payment of two years of fees. The restriction to remain under one license would remain for the first two years, and then it would be lifted for all renewals thereafter.

The over-arching path forward that I propose is not a permanent free-for-all. Time is of the essence. Deadlines are not subject to negotiation or extension. In no case can an individual or business operate under a Transitional or Conditional License offered in this pathway after July 1, 2024.

From: Phil Konigsberg <bayterracephil@msn.com>
Sent: Saturday, January 14, 2023 3:36 AM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City, a smokefree advocate for 34 years and volunteer with Parents Against Vaping e-Cigarettes (PAVe) and several other public health advocacy organizations.

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
Phil Konigsberg

Bay Terrace, NY 11360

From: Rebecca Brown <speckbrown@yahoo.com>
Sent: Friday, January 13, 2023 11:28 AM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
Rebecca Brown

Brooklyn, NY 11201

From: Roger Manning <rogermanningnyc@gmail.com>

To: New York City Council

Date: January 18, 2023

Subject: Cannabis second-hand smoke

To New York City Council,

Eventually part of any public Cannabis information/education campaign needs to include talk about second-hand pot smoke in city streets, parks, and apartment buildings. It is a problem for many people in the city.

It could be something along the lines of helping smokers be more aware how much the smoke is traveling. Smokers generally don't realize that, even though they are smoking outside or only in their home, that the smoke is traveling as much as it is. It seems that pot smoke is denser than cigarette smoke and travels further and lingers longer. It would be helpful for smokers to be aware of this and aware that it affects many non-smokers. Of course it's impossible to completely control smoke, but hopefully courtesy/thoughtfulness resulting from increased awareness can improve the situation.

A few ideas that come to mind:

- Notice where the wind is taking smoke. Try to smoke downwind from where people are - particularly in parks, public spaces, where people are exercising.
- Avoid smoking near or up-wind from areas of residential buildings as smoke commonly flows into buildings.
- Notice where the ventilation in your indoor dwelling space takes smoke. Avoid letting smoke into air shafts in apartment buildings that have those.

I am a non-smoker who has always supported and is glad for legalization.

Thanks,

Roger Manning

Hudson Square district, NYC

rogermanningnyc@gmail.com

From: Sari Kessler <sari@sarikessler.com>
Sent: Friday, January 13, 2023 8:25 AM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you

Sincerely,
Sari Kessler

NYC, NY 10162

From: Sharon Marcus <sharonmarcus98@gmail.com>
Sent: Tuesday, January 17, 2023 6:40 PM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I am a resident of the block where a smoke shop (Royal Cloud,71-38 Main Street, Flushing;) is about to open. My neighbors and I are concerned -and frightened. There are three day care centers, two schools and several houses of worship close by. There is also a food pantry whose line often stretches around the corner- right by this address. Many patrons who visit the pantry do not speak English. Their paths will inevitably cross. I foresee this causing trouble!

Young underage teens and children walk to the pizza, sushi, sandwich shop and ice cream shop on the SAME BLOCK. Many pass by on their way home from school.

I see cars speeding by, running lights on Main Street; you can smell (sometimes see,) the marijuana smoke coming from these vehicles. Would you want your kids to have to cross Main Street in front of these drivers?!

It is morally wrong to target impressionable, peer-pressured kids. All forms of tabaco do devastating long-range harm. Many of these kids will, G-d forbid, be stricken with cancer and weakened immune systems, unable to stave off COVID.

Marijuana is legal for ADULTS. I'm sure that anyone in this business would not hesitate to sell it -AND ILLEGAL DRUGS to minors.

The "711" three blocks away has been robbed at gunpoint three times within the past four months! I know a young man who was attacked in front of the 711; we know to avoid it at night.

The police are unable to maintain safety at 711, how can they be expected to cover another establishment?!

Please do no allow this irresponsible reckless endangerment of our kids and us!

Thank you,
Sharon Marcus

Sincerely,
Sharon Marcus

Flushing, NY 11367

Spike Babaian

New York, NY 10018

VapeNY@gmail.com

January 18, 2023

NYC Council members,

NYC is faced with an overwhelming challenge. There are hundreds (possibly thousands) of locations selling unregulated, illegal Cannabis all over New York City.

14 years ago I opened a vape shop and helped thousands of people quit smoking. Then in 2020, flavored vapor products were banned here in NYC and they were made illegal (during the pandemic and without even giving us a chance to sell off our product which had to be disposed of and cost me so much that my business barely recovered). This put many legitimate, tax paying small businesses out of business. But left hundreds of smoke shops, electronics stores, delis/bodegas, perfume stores and fast food restaurants selling flavored vapor products illegally for cash and without collecting the 20% vapor tax required by law. Nothing was done about this. Even after the ban, dozens of new “vape shops” opened and continued to sell flavored vapor products without a license and without collecting taxes.

When we got inspected we tried to let inspectors know that this was going on. We were told “we can’t go there to inspect if they don’t have a license”. So... in order to continue to operate illegally, all they had to do was NOT apply for a license and then they could continue to do it right there in the open. Even advertising flavored vapes right there on the front of their stores. So while we did the right thing and obeyed the law, they existed right next door and put us out of business. I closed our East Harlem location a year ago.. And someone opened right in our spot selling tobacco and vapor products. When I offered to sell him the licenses he said “No Thank you” and to this day continues to operate without a license and without collecting taxes and selling illegal flavored vapor products.

This is the same situation you have going on right now with Cannabis. Stores are selling without licenses, out in the open, with very obvious signs on their storefronts. But no one is shutting them down. Fines don’t matter. They will just

pay the fines and keep operating illegally. They won't collect cannabis taxes or pay payroll taxes and it will put MORE legal, hard working people like myself out of business.

Some potential solutions... you can approve them all and give them licenses and inspect them. You can try to find them all and shut them down. You can continue to look the other way as you have been doing for years and then no one will apply for your cannabis licenses and unregulated illegal product will continue to be sold.

I know already you don't have the manpower to find all these locations. But... if you ran a radio or TV campaign with a small budget and asked the public for help by calling 311, you can easily get a list of all the illegal shops. Offer \$100 for each store reported "for the first time". Let 311 field the calls and have someone on the OCM board make the list. Let DCA (DCWP?) shut down the ones that don't have licenses. Let the City Marshals lock their locations and confiscate their products. If anyone has a more efficient way of doing it I would love to hear it.

Sincerely,

Spike Babaian

From: Vivian Walton-Small <v_walton@msn.com>
Sent: Wednesday, January 18, 2023 1:44 PM
To: Testimony
Subject: [EXTERNAL] NYC Must Crack Down on Unlicensed Smoke and Vape Shops

Dear City Council Testimony,

Dear Members of the NYC City Council,

I'm a concerned resident of New York City and volunteer with Parents Against Vaping e-Cigarettes (PAVe).

I am alarmed by the rapid increase in the number of unlicensed smoke and vape shops in New York City, and the lack of adequate response to the threat that they pose to our communities.

Eighty-five percent of youth who start using vaping products do so with flavored products. Local Law 228 of 2019, which prohibits the sale of flavored e-cigarettes, was passed to protect our children from their health harms and addictive potential. However, enforcement of this law has been sorely lacking for the past two years. As a result, these products have continued to endanger New York City's kids. Now, our youth are put in further jeopardy with the imminent entry of cannabis into the landscape alongside tobacco and vaping products.

New York City also has in place a cap on the number of e-cigarette and tobacco licenses. However, these caps are ineffective if these unlicensed smoke shops are allowed to open up all over the city without appropriate repercussions.

These unlicensed stores sometimes masquerade as "Convenience Stores" where window displays lure youth inside with colorful cartoon characters and posters of products with sweet and fruity flavors. Inside, illegal flavored vaping, tobacco and cannabis products in brightly colored packaging are displayed near candy, soda and other items that appeal to kids.

New York City must take action by cracking down on sales of illegal products in these unlicensed stores and ensuring that they do not continue to expose our youth to these dangerous products. If authorities are unable to oversee e-cigarette licenses, how can we believe that they will effectively enforce cannabis licenses? My community is counting on you to quickly address these concerns.

Thank you.

Sincerely,
Vivian Walton-Small

Brooklyn, NY 11236

If it's alright I would prefer the following testimony remain anonymous due to the fact that an unlicensed smoke shop with a very large dispensary network in California is now operating illegally on my block, and I do not feel safe for my family if they were able to learn my identity.

To start, I would like to note that I voted to legalize marijuana in New York a couple years ago because I don't think smoking pot should result in sentences that disproportionately affect underrepresented populations. What I didn't realize at the time was the lack of regulations and oversight that would ultimately affect neighborhoods like mine.

My Bay Ridge Brooklyn neighborhood is littered with "smoke shops" that sell cannabis products: gummies, vaping "stuff", and actual marijuana. As they opened up one by one I thought this was ridiculous from a marketing perspective, and also sad for what my once quaint neighborhood had become. But it was what it was.

Then in the summer of 2022 a new shop opened on my corner – on the same block as a large church and my son's high school – that was much more "vocal" about its grand opening. They had a large block party with a DJ and passed out samples, and painted Monopoly-themed graffiti on the outside of the residential building they lease space in to grab the attention of children. The stench of marijuana coming out of that store reached my own condo windows about 200 feet down the block. As a person in addiction recovery, the smell is quite bothersome wafting into my home on warm days when we have the windows open.

I did a little research on the establishment, Big Chief (corner of 74th Street and 3rd Avenue in Brooklyn), and learned they are owned by a large cannabis organization in California with literally hundreds of dispensaries across that state. They say they applied for a license in New York and apparently thought they could open up shop while they waited for it to be approved.

[They were eventually busted](#) in November and I thought that would be the end of them, yet they reopened the next day and are now operating openly with canisters of weed in their storefront windows and large QR codes advertising their pick-up service. They do this without a license or repercussions in plain sight. The police do nothing, cannabis enforcement does nothing. My property value is tanking: who wants to buy my condo now that it's on a block with drug dealers and cars double parking to buy weed all hours of the day and night?

They are now in business with a bodega down the street, which I saw selling weed to high school students the other day. I have complained repeatedly about Big Chief and been told they "will be gone soon" but clearly this is not happening. How will this business EVER get a license considering they were raided a few months ago? Shouldn't their doors have been locked by the sheriff so they couldn't have reopened? How do you know their weed isn't laced with something dangerous if it's not being tested?

My question is this: does this city want my tax dollars? Because I will be leaving and taking my hard earned money to another state when my son graduates high school if I don't start seeing

common sense reforms. Eventually this city will be left with nothing but people who thumb their nose at the law.

The purpose of my testimony today is that I would hope for stricter regulations. At the very least, common sense zoning: **smoke shops not able to operate in residential buildings** because the smell permeates everything. Can you imagine living above a smoke shop and going to work or school every day reeking of weed? How embarrassing that would be for a child? Brooklyn has plenty of industrial space that these establishments can lease space in, and that's exactly where they should be.




Thank you for accepting my testimony.

–Anonymous



I am writing/speaking as a pediatrician, a community health activist and a mother on the topic of the proliferation of unlicensed smoking shops. I live in park slope, Brooklyn just a few blocks away from the middle school MS 51, where in the last 6 months there are more than 5 unlicensed smoking shops that have opened in the last year (see map below which does not show at least two other shops). The closest one to my home Cloudz has cartoons on the outside and advertises itself as a snack and smoke shop, selling candy and snacks that appeal to young adolescents. The proliferation of unregulated shops during a time when legislation has not yet been enacted around improving safety for children in the setting of legalized marijuana is concerning. NYC is already seeing an influx of ER visits for children with seizures and altered mental status related to ingestion of edible cannabis products, and across the country vaping and nicotine use among adolescents has been on the rise for the past decade. The concern that these shops are not carding for identification and are using tactics to draw in adolescents from neighboring schools is placing a generation at risk of the morbidity and mortality the medical community has fought hard against with big nicotine companies. Time is of the essence, the longer we wait the more children will be drawn and addicted to nicotine and will have access to marijuana products without any regulation on dosing and side effects. Just down the street to buy cold and cough syrup you need ID at CVS, but these smoke shops are not abiding by the same principles.

Places : Rating ▾ Hours ▾ Sort by ▾

-  **Cigar N Vape**
4.7 ★★★★★ (95) · Vaporizer store
0.2 mi · 452 5th Ave · (718) 788-1812
Open · Closes 11 PM
In-store shopping
-  **559 Smoke Shop Inc.**
4.8 ★★★★★ (71) · Vaporizer store
0.6 mi · 559 4th Ave · (718) 404-7897
Opens soon · 10 AM
In-store shopping · In-store pickup
-  **Cbd kartom vape shop**
3.7 ★★★★★ (3) · Vaporizer store
0.5 mi · 83 7th Ave · (917) 246-1215
Opens soon · 10 AM
In-store shopping

[More places →](#)



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/23

(PLEASE PRINT)

Name: Director Michael Clance

Address: LPP

I represent: NYPD.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/2023

(PLEASE PRINT)

Name: Cynthia Stremba

Address: _____ NYC

I represent: Parents Against Vaping e-cigarettes

Address: 1056086 ST NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/2023

(PLEASE PRINT)

Name: Kim Kessler (Assistant Commissioner)

Address: NYC Health Department

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/23

(PLEASE PRINT)

Name: Deepa Prasad

Address: Forest Hills, NY 11375

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/23

(PLEASE PRINT)

Name: Andrew Schwenk

Address: _____

I represent: DCWP

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/2023

(PLEASE PRINT)

Name: Chloe-Marie Mora

Address: FREEPORT, NY 11520

I represent: Parents Against Vaping

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/23

(PLEASE PRINT)

Name: Dorian Fuhrman

Address: _____

I represent: Parents Against Vaping E Cigs

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/18/2023

(PLEASE PRINT)

Name: Allie Ryan

Address: _____ NY, NY

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/2023

(PLEASE PRINT)

Name: Kyoko Ishida

Address: _____ NY NY 10016

I represent: myself

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: JOHN DORAN (PLEASE PRINT)

Address: 700 Brady Ave Bronx NY

I represent: brady court coop board

Address: 700 Brady Ave Bx NY 10462

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/22

Name: Savannah Miles (PLEASE PRINT)

Address: _____

I represent: The Bronx NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Opposed to enforcement Date: 1-18-23

Name: PAULA COLLINS (PLEASE PRINT)

Address: _____ NY, NY 10014

I represent: UNLICENSED Smoke Shop owners

Address: Various locations

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/23

(PLEASE PRINT)

Name: Agency Attorney Elizabeth Moehle

Address: IPD

I represent: NYPD.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1-18-23

(PLEASE PRINT)

Name: Tasheem Montgomery

Address: hammels blvd

I represent: The Smoke depot

Address: 85-02 Rockaway beach blvd

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/2023

(PLEASE PRINT)

Name: Amir Abozaid

Address: 5th ave Brooklyn 11220

I represent: YAMA Yaman American Merchant

Address: Association

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: JEFFREY GANCIA

Address: NY NY

I represent: LATINO CANNABIS ASS.

Address: NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 01/18/23

(PLEASE PRINT)
Name: Floyd Jarvis

Address: _____

I represent: Gen 3rd War Veterans for Equity

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1-18-2023

(PLEASE PRINT)
Name: Esther Beliveau

Address: St. Albans, NY 11412

I represent: Cultivated Community Foundation

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/2023

(PLEASE PRINT)

Name: Susan Lee

Address: _____ 10013

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/23

(PLEASE PRINT)

Name: Pilar Dejesus

Address: _____

I represent: Self / all that I've done

Address: 10029

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/2023

(PLEASE PRINT)

Name: Michael Caytsev

Address: _____ Ave Bredlyn NY

I represent: LIM College

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/22

(PLEASE PRINT)

Name: Youssef M. Jbaraz

Address: Asbora, NY 11102

I represent: ARMENIAN AMERICAN MERCHANTS ASSOC.

Address: 6740 5th Ave, Brooklyn NY 11220

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 01/18/2023

(PLEASE PRINT)

Name: Janine Hodgkins

Address: Brooklyn NY

I represent: 11217

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/23

(PLEASE PRINT)

Name: Chief of Patrol John Chell

Address: IPP

I represent: NYPD

Address: _____

Please complete this card and return to the Sergeant-at-Arms