

Legal Challenge Against NYC's Cannabis Shop Crackdown Alleges Unconstitutionality

Dozens of businesses closed in NYC's cannabis enforcement blitz are filing a class-action lawsuit against the city. They claim the expedited closures, part of Mayor Eric Adams' "Operation Padlock to Protect," are unconstitutional. The enforcement effort shut over 300 stores suspected of unlicensed cannabis sales between May 7 and June 3.

Constitutional Concerns

The lawsuit, filed by 27 businesses, alleges that the practice violates shop owners' constitutional due process rights as it lacks judicial oversight. The complaint seeks an injunction to halt the practice and compensation for lost revenue and other damages.

City's Response

Liz Garcia, a spokesperson for Adams' office, stated that the purpose of the operation is to close down illegal cannabis and smoke shops to protect New Yorkers and support the legal market. However, the lawsuit's concerns about immediate store locking without judicial oversight weren't directly addressed.

Legal Framework

Under state law, officers can immediately lock up any store they allege poses an imminent health and safety threat, such as being located close to a school or church, selling to minors, or processing cannabis onsite. Store owners are entitled to hearings with the city's Office of Administrative Trials and Hearings within five days of a raid. However, the final decision is up to the sheriff's office and can't be appealed.

Business Impact

Closure orders can be devastating for small businesses, ranging from those focused solely on cannabis sales to bodegas offering various goods. Licensed dispensaries have seen increased business from displaced customers, but advocates argue that livelihoods are at risk.

Future of Cannabis Market

With 133 licensed vendors statewide, Gov. Kathy Hochul is working to expedite licensing. The lawsuit highlights the challenges of balancing enforcement with due process and the economic impact on businesses.