

OUR LOCAL CORRESPONDENTS

LEGAL WEED IN NEW YORK WAS GOING TO BE A REVOLUTION. WHAT HAPPENED?

Lawsuits. Unlicensed dispensaries. Corporations pushing to get in. The messy rollout of a law that has tried to deliver social justice with marijuana.

By Jia Tolentino

February 19, 2024



“This is America,” a public defender said. “And it’s playing out like America.” Illustration by Rose Wong



Listen to this article.

A few years ago, Howell Miller was in prison in New York State, walking laps around the track with a fellow-inmate he'd befriended, who happened to be a former U.S. congressman. Prior to the prison stint, Miller, a cheerful guy in his early fifties, had run a construction company and a serious marijuana operation, simultaneously. "I was a silent baller," he told me. "Then one of my guys got caught with forty-four hundred pounds on a truck." As Miller neared the end of a twelve-year sentence, he began hearing stories of people getting rich running weed shops: "I was thinking, Why the hell am I still in jail?" His ex-congressman friend, Anthony Weiner, told him on the track that day that the first dispensary licenses were going to be awarded to people who had marijuana convictions. "I thought, I'm gonna get out and look into that," Miller said.

What Weiner had described was the Conditional Adult-Use Retail Dispensary program, or CAURD. It's the flagship program of the Office of Cannabis Management (O.C.M.), the agency created, in 2021, to oversee the legalization of marijuana in New York. The state's cannabis restrictions had been loosening for almost a decade, but that year the government passed a law that would have seemed unthinkable just a short while before. The governor at the time, Andrew Cuomo, had been pushed left on the issue during a primary challenge from Cynthia Nixon; after his reelection, he found himself knee-deep in multiple scandals, and unusually pliable. The law not only made pot legal for adults; it also allocated forty per cent of weed-related tax revenue to communities where cops had made disproportionate marijuana arrests, and it set a goal of awarding half of

all licenses to “social and economic equity” applicants: women, people of color, service-disabled veterans, distressed farmers, and residents of those overpoliced communities.

CAURD went a step further, mandating that the first licenses for the sale of recreational weed go to people who had, or whose family members had, a marijuana-related conviction. In the previous four decades, according to an analysis by the Legal Aid Society, police in New York had made more than a million marijuana arrests. Although weed is consumed in roughly equal proportions across the racial and economic spectrum, as recently as 2020 people of color were subjected to ninety-four per cent of marijuana arrests and summonses in New York City; arrests in the city were also much heavier in high-poverty areas. The idea for CAURD was plain: legal weed as reparations.

After the program was announced, I called Damian Fagon, a cannabis activist and educator who was once one of the state’s few Black hemp farmers, to get his take. (We used to smoke weed together in college.) He told me that he’d just been appointed the O.C.M.’s chief equity officer. His new boss, the director of the O.C.M., was Chris Alexander, the thirty-three-year-old son of immigrants from Grenada, who’d helped shape the law while working for a progressive nonprofit. Fagon had been texting his weed dealer, Misha, for feedback on policy proposals. The activists had won.

Howell Miller got out of prison in early 2022 and followed up on the tip from Weiner. It led him to the Bronx Cannabis Hub, an incubator set up by the Bronx Defenders and run by a public defender in his thirties named Eli Northrup. That August, Northrup held his first meeting for potential CAURD applicants. Forty or so people, most of them Black or Latino, gathered in the reception area of the Bronx Defenders office. Northrup and his colleagues had previously defended several of the attendees in court, and he dapped them up as they walked in. A twentysomething man named Sirvon, wearing a Louis Vuitton shower cap, told

me that he used to call Northrup from Rikers on weekends, just to catch up. “That’s my bro,” Sirvon said. “That’s really *gang*.”

The Hub brought together a scrappy and profoundly New York City collection of people. The prospective applicants included a bricklayer, a harm-reduction trainer, and the owner of a local grocery store. There were also cabdrivers and restaurant managers, an accountant, and an electrician. (Sirvon’s day job was still weed dealer; he soon learned that, without tax records showing he’d run a profitable business, he wasn’t eligible for CAURD.) Among the few women was Naiomy Guerrero, an art historian in her early thirties doing a Ph.D. at the City University of New York. (Her brother had the weed conviction.) Among the many men was Coss Marte, who got busted on a major trafficking charge at the age of twenty-three and then, after serving time, opened a “prison style” fitness boot camp called Conbody. He had the vibe of a young Vin Diesel and a telegenic smile; he’d already done a spot on “Ellen.” He was going to call his dispensary Conbud.

Legal weed entrepreneurship is typically a sport for the well capitalized. It can cost millions of dollars to open a dispensary, and, because marijuana is still illegal at the federal level, dispensary owners can’t write off many of their business expenses—they pay effective tax rates of up to eighty per cent. CAURD promised a package that would help licensees leapfrog these barriers, providing renovated dispensary spaces and access to a loan fund of two hundred million dollars. New York’s cannabis law mostly prohibited vertical integration; it was designed to stave off corporate capture and give opportunities to people without venture-capital funding or Goldman Sachs on their résumés. In several states, companies that already dominated the medical-marijuana market got the first shot at the recreational market. New York required those companies to wait three years. “There are a lot of white dudes who are pissed, who think we’re giving the industry away,” Fagon told me.

If they were, it wasn’t easy. At the Hub meeting, Northrup began taking questions, and hands kept going up. It was still illegal to transport marijuana across state

lines—how would retailers get their inventories? Farmers upstate were growing fields of licit marijuana! What were the state’s loan terms going to be? No one knew, exactly. How much was the application going to cost? Two thousand dollars. Also, it was nonrefundable. “Jesus Christ,” one man said.

What about the weed-selling bodegas and trucks that had been sprouting up across the city throughout the summer? Weren’t they cornering the market? “All of that is illegal,” Northrup said. “You’re not behind the ball.” The city, he assumed, would shut those shops down, eventually. Kathy Hochul, who had replaced Cuomo as governor, insisted that legal dispensaries would be open by the end of 2022. O.C.M. employees likened their task to building a plane while trying to fly it. “New York isn’t basing this on any existing model,” Northrup said. “They’re basing it on trying to do the right thing.”

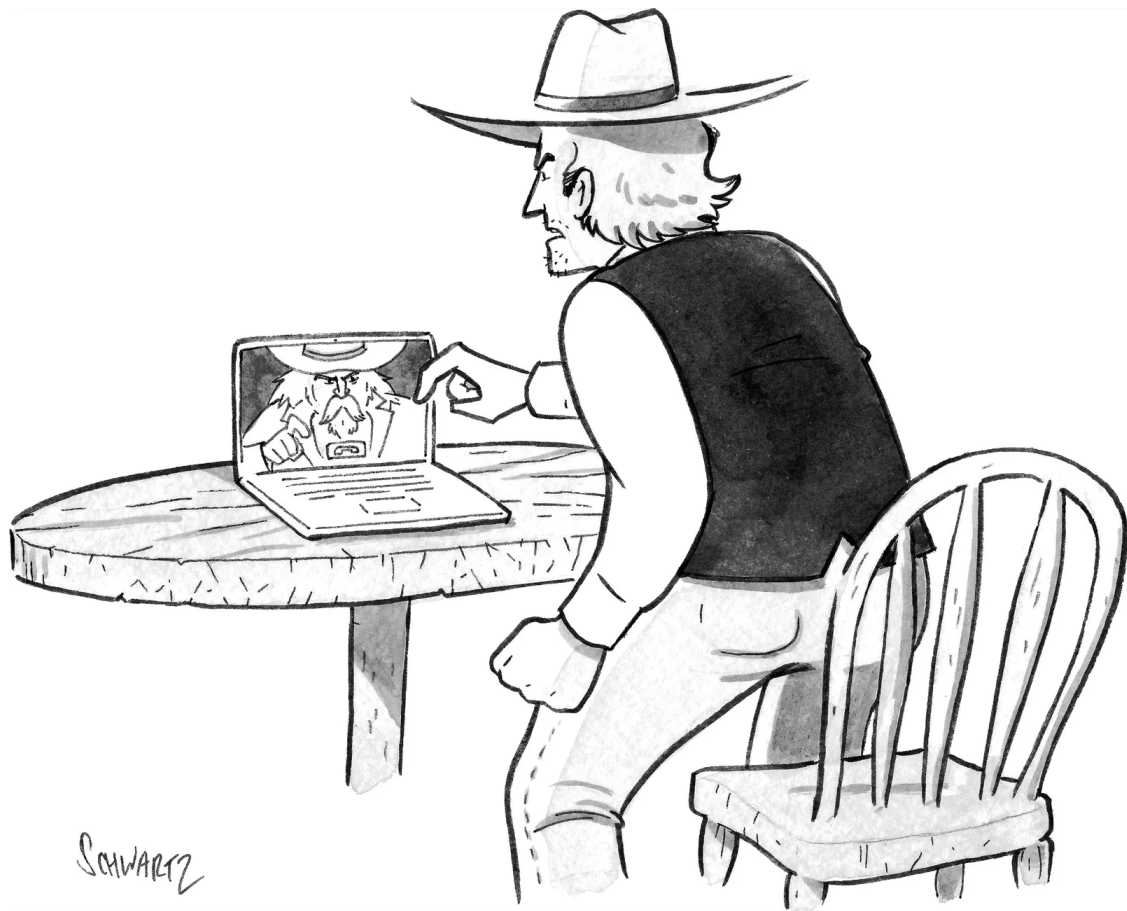
By the end of the meeting, a preëemptive weariness had cut through the mood of buzzing optimism. A woman in a pink skirt sighed. “I don’t think the government made this confusing on accident,” she said. “I think they did that shit on purpose.”

Equity programs elsewhere had flopped. Illinois had a carve-out for social-equity applicants, but by 2022 only one per cent of legal weed businesses in that state had Black majority ownership. Ohio mandated that fifteen per cent of medical-marijuana licenses go to people of color; after a lawsuit, the mandate was ruled unconstitutional. But a fluky political moment had created the chance for something radical in New York. If the O.C.M. built a profitable marijuana industry on a foundation of social equity, it could change the trajectory of national legalization. If it failed, people might see it as a death knell for social justice having anything to do with legal weed.

Around nine hundred people applied for CAURD licenses. When the O.C.M. announced the first approvals, in November, 2022, only thirty-six applicants had got through. Miller was not among them. Neither was Marte, who told me

that he'd done a timed practice run uploading his documents, and had been applicant No. 13.

Guerrero, the art historian, did get a license. A careful woman with a fluency in institutional critique, she appeared warier of CAURD's promises—and of the narrative of criminal grit and economic redemption that seemed to be expected of licensees—than some of the other applicants did. Even so, she said that she'd wept as she watched the announcement. “The term ‘justice-involved’ describes all of us in my family,” she told me. “I was just swaying back and forth, thinking, We did it. We really did this thing.”



"Ain't nobody gonna end a meeting faster than me."

Cartoon by Benjamin Schwartz



[Open cartoon gallery](#)



There were some large asterisks, however. The state had been hit with the first of many lawsuits arguing that CAURD, in giving exclusive priority to people with convictions and their families, violated the law. The state-renovated dispensary locations weren't ready, and no one knew when they would be, or where they'd be situated. And the two hundred million dollars didn't exist yet, either.

That money was meant to be the fruit of a partnership: fifty million from the state, a hundred and fifty million from investment in a private fund. Management of the fund was entrusted to a team consisting of the former N.B.A. star Chris

Webber, an entrepreneur named Lavetta Willis, and Siebert Williams Shank, a financial firm certified as both women-owned and minority-owned. A week after the first licenses were announced, the online publication NY Cannabis Insider reported that, by all indications, no private money had been raised. What's more, Webber and Willis had undisclosed ties to a huge national weed brand, Cookies, and their major alleged accomplishments in the field—raising a hundred million dollars for nonwhite entrepreneurs and launching a fifty-million-dollar cannabis facility in Detroit—had not come to fruition.

The author of that report was Brad Racino, a journalist based in Syracuse. Starting in 2021, he'd published one story after another highlighting oversights and complications in the legal-weed rollout. "You throw a rock and you hit an accountability investigation," he told me. (When I asked Willis and Webber for comment, they pointed out that no one has ever achieved what they're trying to do.)

CAURD applicants started getting antsy. Marte and a couple of friends set up a group text for gossiping, brainstorming, and sharing resources. It turned into a WhatsApp chat, then a Discord group, and it ballooned with members—including Racino, who said that he began to receive a "steady stream of phone calls, Twitter D.M.s, and LinkedIn messages from people asking basic questions." Some people were close enough to Alexander and Fagon to text them when issues came up; others couldn't get information out of anyone. The O.C.M. was staffed with people from the hands-on world of social-justice work. Now, as regulators, they were required to keep their distance—even if they didn't always do so.

Marte, talking on Zoom with his bright-eyed toddler in a Pack 'n Play behind him, obsessed over the scoring system used to approve applications. "Give me this license and I'll be popping off deliveries in three weeks," he told me. Guerrero was growing skeptical and overwhelmed. So many people were calling her with weird and seemingly predatory financial offers that she'd told her dad to disconnect the home phone. Most of the CAURD licensees were vulnerable to this sort of thing:

the monetary value of a license was likely well into seven figures, but without financing or real estate they couldn't get their operations started. "Social equity is not about plucking an opportunity out of the sky and giving it to someone who hasn't had it," Guerrero told me. "It's about supporting that entity and setting them up for success. The real work is that in-between."

In her view, New York's lawmakers had created a situation where the licensees with the most resources would open stores first—"the total opposite," she noted, "of what they said they wanted to do." The most resourced licensees, for now, were nonprofits: eight licenses had gone to organizations that served the currently or formerly incarcerated. They generally had fund-raising lists and boards of directors. On December 29, 2022, Housing Works, which supports people with H.I.V./AIDS through the sale of clothing and books, debuted the first legal weed store in New York City, near Washington Square Park. The doors opened at 4:20 P.M., and the line was around the block. Chris Alexander was the first customer. He bought a pack of watermelon gummies and a sativa strain called Banana Runtz. "I've said it often and I'll say it again," he told the crowd. "Equity is not *a* thing. It's *the* thing. It is what we are doing."

When 2023 began, New York City had one legal weed store and about fourteen hundred illegal ones. Some of these shops had an Apple Store look—minimalist merchandising, counters of blond wood and glass—and seemed well capitalized. A big illicit chain called Empire Cannabis Clubs had opened its first New York outlet in early 2021, insisting that its business model, in which customers pay for membership to a "private club," was legal. (A co-owner of the chain has said that every man in her family served time for marijuana, and that the stores were a way to "take back the years lost.") A lot of the unlicensed shops looked like bodegas, sat in storefronts that previously were bodegas, and seemed to be run by bodega guys who had found a way to make better money. At a City Council meeting, representatives for the Yemeni American Merchants Association—nearly half of N.Y.C. bodegas are run by Yemenis—said that many of its

members wanted weed licenses but knew that, as “immigrant owners,” they “tend to be the last in line when it comes to these new regulations, like the cannabis law.”

Gale Brewer, a former Manhattan borough president who’s now a City Council member on the Upper West Side, has been pushing New York to do something about these stores. I met her at her office, on Columbus Avenue, on a rainy afternoon. Brewer is in her early seventies, with blond hair graying at the roots and the unflappable bearing of a lifelong city dweller. She’d agreed to take me on a tour of illicit shops in her district—there were sixty-five at last count, she said, on about a hundred and sixty city blocks. She laid out our itinerary: “Should we start with, what’s it called, *Wazoo Zazoo*?”

In nearly every state where marijuana has been decriminalized, legalization has been followed by an upswing in illegal activity. Many entrepreneurs keep a hand in each world: legal growers in California often divert half their product to the illegal market as a safeguard against industry volatility (and to pad their bottom line). Officials in that state recently accused a founder of a well-known legal brand of being the landlord for a string of illegal dispensaries in Los Angeles. Yelp-like Web sites that list local dispensaries frequently display legal and illegal businesses alike, without differentiating.

But the explosion of unlicensed weed stores in New York City is unparalleled. This is due to, among other things, the sheer number of storefronts and the hypercharged culture of entrepreneurship in the city, where pop-up vending is perpetually in bloom. It’s also because the N.Y.P.D., no longer able to search cars or suspicious persons under the pretext of “marijuana odor,” seems uninterested in policing for weed at all. One of Brewer’s staffers suggested to me that the police were being obstinate—that they didn’t want to be on the hook for a problem that the state had created. Enforcement, in any case, has fallen on the entirely unequipped O.C.M. Alexander compared the situation to a group project in grade

school. “Let’s say Jessica is tasked with drawing, but she can’t draw,” he told me. “I wasn’t expecting to draw, but I’ll take on the drawing for her. But don’t come back and say the group project is a mistake because I’m drawing slow.”

In the year and a half that elapsed between the legalization of marijuana and the arrival of legal stores, the illegal shops were allowed to flourish. Consumers were waiting for weed stores, and look—here they were! For months, I walked into random smoke shops whenever I passed them and asked employees if this was one of the new legal dispensaries I’d been hearing so much about. “Sure,” they usually told me. “Absolutely.”

The name of the weed bodega a block from Brewer’s office was *Zaza Waza*. It featured a velvet rope and a red carpet and the standard inventory for such places: pre-rolled joints, neon bud grinders, elaborate bongos, candy-flavored nicotine vapes (which are illegal to sell in New York), cans of nitrous oxide, weed-infused gummies and chocolate bars from out-of-state brands. Several products advertised a truly terrifying potency: one bag of peach gummy rings from the California brand *Smashed* supposedly contained two hundred and fifty milligrams of THC per gummy, enough to send a devoted stoner like myself to the emergency room, if not to the grave. (These purported amounts are not always accurate. Also, no one has ever actually died from too much weed.)

“When’s it gonna be legal?,” the guy behind the counter asked Brewer, unprompted, as we perused the merchandise. “I want to apply for a license.” He told me that he hadn’t been interested in marijuana until he started working at the store, a month before, but now he thought it was a great and fascinating product. He handed me a copy of *Cannabis Magazine* in case I wanted to learn more.

Plenty of penalties, both civil and criminal, can be deployed against these sellers, at least in theory. Churros are thoroughly legal—and a thirteen-year-old can consume them incautiously without having a very memorable panic attack—but cops still occasionally find the motivation to bust ladies who sell them in the subway. At the end of 2022, Brewer released a survey about weed shops in her

district, asking the sheriff's office and the O.C.M. for better enforcement. The sheriff sent police to sweep a few shops and confiscate illegal products. Zaza Waza's shelves were emptied. Two days later, the store was open again, fully restocked. (The owners of Zaza Waza could not be reached for comment.)

Back on Columbus Avenue, Brewer and I passed weed bodegas every few blocks. She had a grim sense of humor about their invincibility. The Mayor, Eric Adams, had launched an interagency task force to inspect stores and seize illegal products; the state legislature granted the O.C.M. authority to issue up to twenty thousand dollars in fines a day. But the fines could be levied only through scattershot administrative hearings, and the O.C.M. had reportedly collected just two hundred and twenty thousand dollars in total before suspending proceedings entirely.

"I'm frustrated!" Brewer announced. The bottoms of her camel pants were soaked from walking through puddles. We passed a bar called Prohibition. "The city blames the state, the state blames the city," she continued. "The D.A. says, 'I don't get any cooperation from the police or the sheriff.' I keep saying, 'Why can't we just get everyone in a room?'" I asked Brewer which agencies would need to be present. "The D.A., the sheriff, the P.D., the O.C.M., Tax and Finance, Consumer Protection, Health," she said. "Oh, and the schools." Some of the shops made a point of opening early, she told me, to catch high-school kids on their way to first period. Selling cannabis to minors is a felony.

I thought about a conversation I'd had a few days earlier with a talkative cannabis attorney named Jeffrey Hoffman. "The best way to fight the illegal stores is to open a bunch of legal stores and have them delight their customers," he said. "The next one is no tax on the legal stores for three years, and then we tax when we have a seven-billion-dollar cannabis industry." But the quick path, he went on, would be to levy huge, escalating fines on the landlords who own the properties that house the illegal businesses. In his political dreams, the city might seize the property after a landlord's third violation, then open a legal cannabis store on the

first floor and put affordable housing above it. “Thank you very much—I’m now the mayor,” he said.

Brewer snorted when I recounted the conversation. “That’s a great idea if you don’t have to actually do it,” she said.

New York didn’t just have to license the people who were going to sell marijuana—it also had to license, among others, the people who were going to grow it. Here, too, regulators tried to create an industry that was equitable, and environmentally friendly. The state gave its first round of recreational cultivator licenses to farmers who’d already been authorized to grow hemp—i.e., low-THC cannabis—which has been legal since 2017. New York is the only state in the country to have its first crop of legal marijuana grown entirely under the sun, Alexander told me. Farmers were allowed an acre of outdoor canopy, or about half that if they wanted to grow in a greenhouse. Alexander said that these restrictions were “driven by principle.”

Not everyone agreed that this was a good thing. “The quality is so bad,” a longtime pot grower in the Bronx who calls himself the Kolektor and has a cult following, told me. “You need equatorial conditions to grow—heat and humidity.” Classic New York weed, he said, was “obnoxious, pungent, super-loud. Never a sweet smell. You’ll be walking down the block and smelling it, like, ‘God *damn.*’” You can’t grow weed like that outdoors here.

The Kolektor, a former U.S. infantryman who wears a ski mask when he showcases his weed at public events, started growing marijuana to alleviate his own symptoms of post-traumatic stress disorder. He prided himself on fresh product, never treated with pesticides, touched by only a few hands: “grown, not flown.” He wanted to go legal, he told me, but the new law didn’t lay out a pathway to get licenses for people who were still involved in the black market. Only those with convictions were eligible for CAURD; plenty of longtime dealers

and growers had never been caught. The Kolektor sent me an elaborate amnesty proposal, drafted by a prominent cannabis lawyer. It involved a double-blind application system, a truth-and-reconciliation tribunal, locked hearings. Anything like that would take a lot of time. But the Kolektor wasn't too pressed—his business was flourishing. He posted closeup shots of his dense, crystalline flower on Instagram and sold huge amounts of weed through Discord every week.

Most of the hemp farmers were white, and lived upstate. Brittany Carbone, who grew up on Long Island, runs a farm with her husband, Erik. Her past involvement with marijuana includes a run-in with law enforcement: as an undergrad at Penn State, in 2010, she was arrested for smoking weed in her dorm room. Her parents paid a three-thousand-dollar fine, and she did a day of community service; a year later, her record was automatically expunged. Her passion for marijuana was undiminished. After college, she worked as a personal trainer for Equinox, and started making her own CBD blends, mixing hemp extract into ashwagandha root and lemon balm in her kitchen. When New York announced that farmers could get licensed to grow hemp for CBD, she thought of a property her family owned, which had a lot of unused acreage. There was even a barn—it's where she and Erik had had their wedding reception.

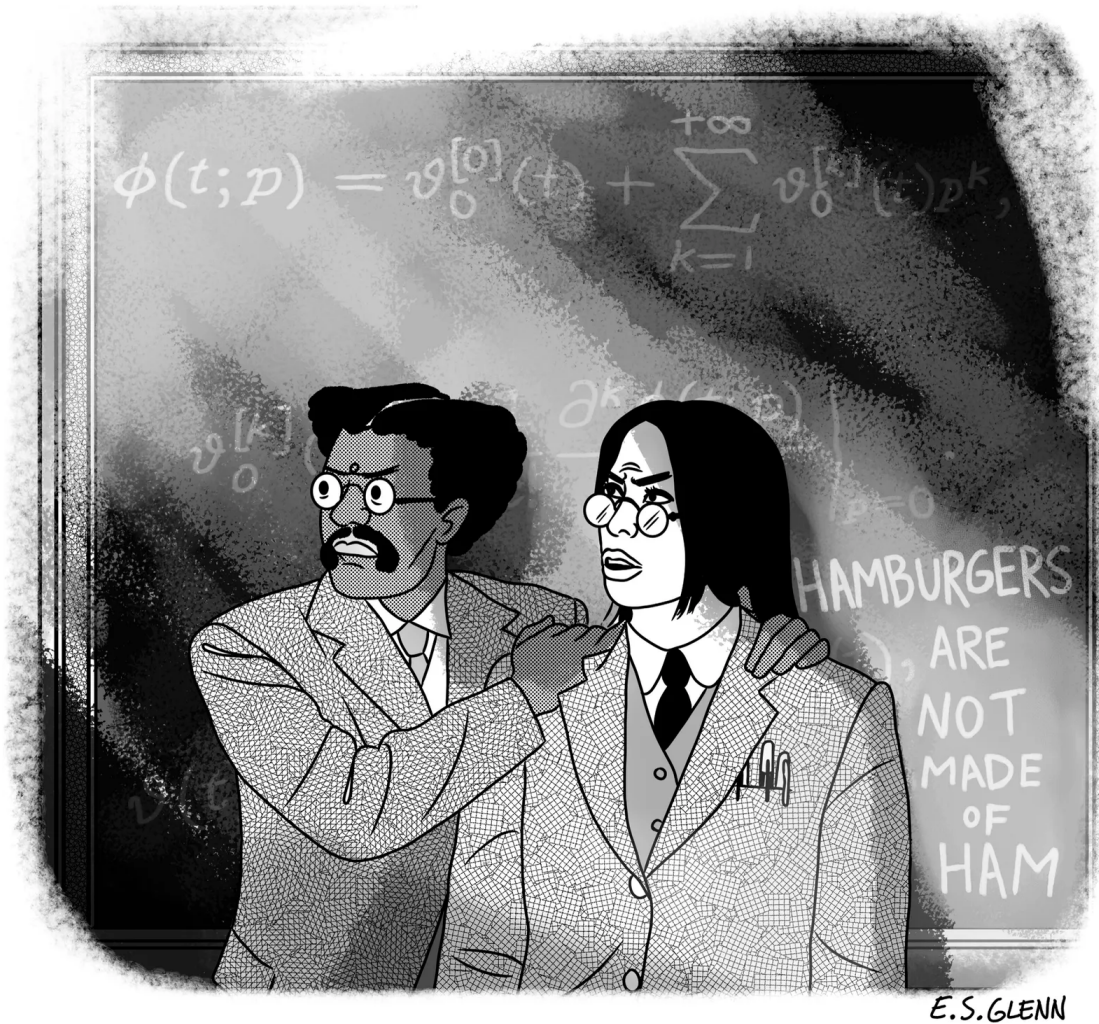
I visited the farm, called Tricolla, on a biting-cold day. Carbone wore fleece, Erik wore lined denim, and their dogs ran underfoot. Carbone drove me around in a utility vehicle, passing acres of four-foot-tall marijuana plants, a million nugs waving gently in the wind. The barns were strung with wire cages for drying the harvest. Plastic tubs were stuffed with bags of weed.

Carbone speaks with the wonkish vigor of a policy nerd and the can-do restlessness of an athlete at a press conference. She told me she understood that people were skeptical about the quality of outdoor-grow marijuana. She believed, she said, “that this opportunity should be going to legacy growers, to the people who've been cultivating marijuana in New York for years.” Still, the opportunity was a mixed blessing. She and her husband had taught themselves how to grow

hemp just as the federal government removed it from the controlled-substances list: supply skyrocketed, prices plummeted, and they ended up with their crop mostly composted and an unsustainable load of debt. Legal cannabis had arrived as a lifeline, but the Carbones had upended everything to grow their first weed crop, and then found themselves with almost nowhere to sell it.

In the early months of 2023, licensed dispensaries began to dot New York. Smacked Village, the first shop run by an individual CAURD licensee, Roland Conner, opened as a pop-up on Bleeker Street in January. Union Square Travel Agency, a luxe store operated by the Doe Fund, a nonprofit, arrived soon afterward. The O.C.M. expanded CAURD beyond the planned hundred and fifty licenses, in the hope of getting more legal stores open. In April, Coss Marte finally got his license. Howell Miller got his in July. Then, in August, the entire program was halted by litigation.

A group of military veterans had sued the O.C.M., arguing that CAURD discriminated against people who'd been designated as social-equity applicants, including them. Soon, a coalition of medical-marijuana suppliers was allowed to join the suit as plaintiffs, giving rise to a popular theory that it had orchestrated the case. Brad Racino, the Cannabis Insider journalist, wasn't surprised. "We ran so many stories from so many attorneys saying that CAURD is a lawsuit magnet," he told me. Jeffrey Hoffman, the cannabis lawyer, said the same thing: "I absolutely love the folks at O.C.M., I commend them till the cows come home, but their regulations don't match the law."



E.S. GLENN

"Professor Jenkins, the world must never know of this discovery. Our findings die with us."

Cartoon by E. S. Glenn


[Open cartoon gallery](#)


The judge presiding over the suit issued an injunction, freezing the CAURD program. By that point, only about twenty licensees were doing business. Many people had signed leases and were paying rent, losing money they'd barely scraped together in the first place. Webber and Willis had finally secured a lender, Chicago Atlantic, for the two-hundred-million-dollar loan fund. The loans required no collateral, but the licensees couldn't renegotiate the terms, couldn't pay off the loans early without penalties, and couldn't set their own profit margins or staffing

costs. The interest rate was thirteen per cent. The O.C.M., needing more stores on the streets, waived the waiting period for medical-marijuana companies, allowing each one entry into the market for a twenty-million-dollar fee.

Carbone told me that farming was “the most humbling experience you could go through,” and said that it had taught her to let go of many expectations. To raise money and get help with operations, she’d partnered with a company in California, but it hadn’t worked out. Things weren’t going great in that state, either—high taxes and regulatory struggles were sandbagging the legal market. Small businesses were going bankrupt, corporations were moving to less restrictive territory, and the majority of weed purchases were still made illegally. “California is drowning,” Carbone said. “And people are grabbing on to New York as a lifeboat. And now the lifeboat is sinking.”

In the fall of 2023, the O.C.M. convinced a judge that a few licensees should be allowed to proceed. Marte, who’d put hundreds of thousands of dollars into building out his location and was beginning to fear that he had made a life-altering mistake, was one of them. He opened Conbud ten days later, on the corner of Orchard and Delancey, just three blocks from the park where he’d first been arrested for weed. He threw a huge party—Funkmaster Flex d.j.’d, budtenders wore shirts that said “Come Back with a Warrant,” and a camera crew filmed everything for a documentary.

Marte, a natural salesman armed with social connections and a P.R. agent, was about as well equipped as someone in the CAURD program could be. Still, he immediately ran into obstacles. If you searched Google for “weed stores” in his neighborhood, only the illegal ones came up. The law required that cannabis products not be visible from the street, and limited the text a store could print on its signs. (Many weed bodegas, in contrast, had a flamboyant, illegal tackiness.) Marte hustled like old times on the sidewalk, telling people about his store in Spanish and in very basic Chinese.

In October, applications for licenses opened to the general public. Unsure of how the lawsuit would turn out, the O.C.M. urged CAURD licensees to apply again. I took the train back to the Bronx, where the Hub was helping people navigate the process. Northrup sorted through paperwork; the licensees, used to getting worked over by the government, sat by patiently. One of them had given up a restaurant to focus on his dispensary, and was fretting about yet another pivot. On the phone with a business partner, he said, “What if O.C.M. fucks us two times?”

The plaintiffs suing the O.C.M. reached a settlement in late November: the veterans were awarded dispensary licenses, and each medical supplier was given permission to open three dispensaries. CAURD could now proceed. I called Carbone and caught her in a “trim trance,” manicuring her marijuana crop by hand. She and Erik had downsized, on account of the delayed rollout, and were now tending to a half-acre crop mostly on their own. Their pre-rolled joints and gummies were selling at Housing Works and Conbud. But the cost of doing business was punitively high, she said, and the market was fluctuating, with farmers lowering prices to impossible levels just to get their products on the shelves.

“This isn’t an easy state to do business in,” she said. As she saw it, the O.C.M. wasn’t equipped to regulate the legal shops, let alone the unlicensed ones: “Out-of-state indoor flower is on the shelves in legal dispensaries, being sold as ‘greenhouse.’ Growers know this—we know what greenhouse grow looks like—but no one wants to snitch on the dispensaries.” She said that some dispensaries weren’t paying their bills, perhaps in some cases “because they’re saddled with an insane monthly nut” from the state on their storefronts. “And what are we supposed to do about that?”

At the end of the year, I waded through holiday shoppers in Tribeca on my way to the law offices of Cleary Gottlieb, thirty stories up in a high-rise, where Northrup had invited CAURD holders to plan their next steps. People clapped one another on the back as they walked in. Most of them were struggling to find financing. One

man, a cabdriver, was still miffed about having to apply for a license twice. For CAURD, he'd needed to show that he had run a successful business, but to get priority in the general round he'd needed to show that he was low-income. "Do you want social equity or do you want to humiliate me?" he said.

Naiomy Guerrero was biding her time, turning down a succession of predatory offers. The language of social equity had come to seem like a cloak for a more brutal capitalist reality. "Many of us want a world that operates on radical principles, but that's not what we are living," she said.

Northrup had decided that the best way for him to help was to join the legislature: he was now running for State Assembly. Several licensees lived in his campaign district, in Morningside Heights and West Harlem, and they joked about getting out the vote. He suggested that the licensees organize a trip to Albany to advocate for themselves. "Even if it was just the people in this room, we have power," he said. The talk continued, and ideas flew alongside grievances and hopes. Could they form a CAURD franchise, and get investors interested in multiple stores? Could they crowdfund? Was it all too late? "If we wait on O.C.M., we're gonna get screwed," a man who runs a Jamaican restaurant upstate said. "This is how poor people, like all of us in the room, get marginalized." Weed bodegas kept opening with crappy product at low prices, and the corporations were right around the corner. "It's not fair," Northrup acknowledged, trying to quiet the room. "This is America, and it's playing out like America."

In January, I sat down at a bar near Fort Greene Park and looked around for Sirvon, the weed dealer I'd met at the Hub a year and a half before. We'd agreed to have lunch together, at 1 p.m., and he had generously insisted on coming all the way to Brooklyn from Eastchester, in the Bronx. But now snow was falling, for the first time in ages, and at three o'clock I found myself eating shrimp cocktail while engaging in a deeply familiar, almost old-fashioned activity: texting a weed guy to ask his E.T.A.

Sirvon arrived in a hoodie, which he kept pulled up over his head, and wearing a nameplate ring that said “NEW MONEY.” He grew up in the Edenwald Houses, and got locked up for the first time when he was eleven, he said, on a robbery charge. (“My mom’s got seven fucking kids, and she’s taking care of all of us by herself? Nah, I can’t be asking her for money to buy me my little pair of pants.”) He started selling weed not long afterward. He made a business out of it when he was nineteen and expecting his first kid; his supplier got barrels shipped in from Jamaica. “You had Piff, you had Sour, you had Kush,” he said. “None of this Afghanistan Blueberry Sunshine shit.” He started doing deliveries; he expanded and staffed up. “You got people that’s ambitious and hungry, you put them to work together. Then you got people who just like to have a gun and shit—‘O.K., you can be the security guard,’ you feel me?” He was moving half a pound daily, touching a grand in cash a night.

Ineligible for CAURD, he’d continued dealing, but the unlicensed stores had messed up his business—partly by emboldening sellers who were new to the trade. “If you’re coming to Edenwald,” he said, “and you see me and thirteen other niggas standing right there, you’re going to be, like, ‘Fuck that, I’m going to go to the smoke shop.’ And the smoke shop’s got a dusty bag of chips near the counter, so they be taking E.B.T.!” E.B.T. cards cannot be legally used for alcohol, tobacco, or even prepared foods, let alone marijuana, but the unlicensed stores are already operating outside a number of regulatory boundaries, and so might be willing to cross a few more. (A spokesperson at Brewer’s office told me that he’d also heard rumors about shops accepting E.B.T. for weed.) Sirvon’s profits were way down. He would work past midnight and barely clear two hundred dollars.

“It’s not that we know the perfect way to design or implement a cannabis market,” Chris Alexander, of the O.C.M., told me. “Who do we turn to to know the way to do this? It’s just us.” The agency now has around a hundred and fifty employees. “We are not close to where we need to be to handle all that we’re trying to do,” Alexander said. Despite the agency’s missteps, there were victories to claim. Housing Works had done twenty-four million dollars in sales in 2023. A year ago,

according to an O.C.M. report, there were only twenty Black-owned dispensaries in the country; by January, New York had added a dozen more. Marte said that sales at Conbud were increasing by five per cent every week. Naiomy Guerrero got a state-issued site for her family's dispensary, called Nube, and hopes to open it later this year. Howell Miller signed a lease for a dispensary in the Bronx—Two Buds, which he will run with his brother, and which has a grand opening planned for the spring. I e-mailed Anthony Weiner to ask if he remembered his conversation with Miller on the prison track. “Holy shit,” he replied. “Totally remember that dude. So glad to hear he is doing well. Send him my best.”

More than a hundred thousand marijuana convictions have been expunged, and sellers in the black market continue to cross over, if slowly. Misha, formerly the weed dealer of choice for the O.C.M.'s Damian Fagon, got a CAURD license and the keys to a store in Bushwick: Misha's Flower Shop. A handful of legacy growers, including the Kolektor, were in line for micro-licenses, allowing small, craft-beer-esque cultivation. “I told Damian, ‘Bro, you give me a license or not, there's a lot of us who are going to be doing our thing. It behooves you to find a way to get us in,’ ” the Kolektor said.

Still, there were two hundred and fifty thousand pounds of legal weed deteriorating in storage, and patience was ebbing in Albany. At the end of January, Hochul called the legal rollout a “disaster” and said that “the legislation was crafted in a way that was not poised for success.” Brad Racino has come to believe that staffing the O.C.M. with advocates doomed the program. “When you start using this law in your own ways, and you're not an elected official, that's when things start to go wrong,” he said. He feared that a lot of CAURD licensees would end up worse off than when they began. “You have all these people who have already been targeted by the government, and you're taking that vulnerable population and experimenting with them.”

Sirvon still wanted to go legal, but he couldn't put together a strong application. He didn't have the capital to secure a storefront, legal or otherwise, and

corporations were no longer hunting around for people with marijuana convictions to invest in, even predatorily. “I’m Black,” he told me. “Period. I’m from the hood. I was promised forty acres and a mule, and I ain’t seen that shit yet. It’s always a Catch-22 when it comes to Black people. It’s always something in the fine print.” I told him that I hoped he’d have a weed store of his own someday. “Yeah,” he said. “At some point. That’s what I’m definitely doing. Facts.” ♦

Published in the print edition of the February 26, 2024 issue, with the headline “In the Weeds.”

New Yorker Favorites

- A reporter’s relationship with Kurt Cobain, before and after the singer’s death.
- Who owns London’s most mysterious mansion?
- The politics behind the creation of “Harriet the Spy.”
- The aesthetic splendor of “The Simpsons.”
- Fiction by Alice Munro: “Passion.”

Sign up for our daily newsletter to receive the best stories from *The New Yorker*.



*Jia Tolentino is a staff writer at *The New Yorker*. In 2023, she won a *National Magazine Award for Columns and Essays*. Her first book, the essay collection “Trick Mirror,” was published in 2019.*