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In 2 States, Corner Cannabis Stores Near Reality



Vincent Graham, a center manager, helped Mark Paquette, a patient with a marijuana order.

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DENVER — Starting early next year, any adult with a craving or curiosity will be able to stroll into a strip mall or downtown shop in Colorado or Washington State and do what has long been forbidden: buy a zip-lock bag of legal marijuana.

After landmark votes made marijuana legal for recreational consumption, users in these two states will no longer need doctors' notes or medical reasons to buy the drug. Instead, they will simply show identification to prove they are at least 21, and with the cautious blessing of state and federal officials, they will be able to buy as much as an ounce of marijuana and smoke it in their living rooms.

It is a new frontier of drug legalization, one that marks a stark turn away from the eras of “Reefer Madness,” zero tolerance and Just Say No warnings about the dangers of marijuana. But it also raises questions about whether these pioneering states will be able to regulate and contain a drug that is still outlawed across most of the country — although medical marijuana can be sold legally in 20 states and the District of Columbia. The end of the prohibition of alcohol in the 1930s, by contrast, to which some historians and legal scholars are comparing this moment, came all at once across the nation.

On this never-traveled road, the outcome on many fronts is uncertain: Supporters predict an economic boom in new business activity, cannabis tourism and reduced public expense with fewer low-level drug offenders clogging jails and courtrooms.

Elected officials, parents’ groups and police chiefs worry that drug traffickers will exploit the new markets that more teenagers will take up marijuana and that two places with reputations for fresh air and clean living will become known as America’s stoner states.

Other states flirting with legalization are watching closely too, not least for the expected windfall in state revenue in stiffly taxing something that has never been taxed at all.

Referendum drives modeled on Colorado and Washington are already underway for next year in Arizona, California, Oregon and Alaska, and others are expected to follow in 2016. So the pressures to get it right the first time, local and state officials said, are immense.

“We are floating in uncharted waters here,” said Mayor Michael B. Hancock of Denver, where 149 businesses have applied to sell or grow retail marijuana.

Consider, for example, the strangely altered new role of the police, who in Washington are required to make sure all marijuana is of the legal, state-licensed variety. That could make for more crackdowns on illegal grow-and-sale operations, not fewer, a fact highlighted when federal agents raided

several dispensaries in Colorado last month, smashing glass and hauling away hundreds of plants.

Practical questions about the legal, workaday drug trade have required reams of rules and regulations to answer: Should it be specifically taxed? Voters said yes, and in Washington even specified where the tax money should be spent, with specific apportionments including the funding of academic research about marijuana.

Can people give it away in public parks? No. Where can retailers set up shop, and how can they advertise? Nowhere near schools, and not to children. In Washington, even the size of a retailer's storefront name is regulated: 1,600 square inches.

But most important, Colorado and Washington must show skeptical federal authorities that they can control this new world of regulated marijuana, and keep it from flowing to underage consumers, into other states or into the grip of drug traffickers and violent cartels. Even as the Justice Department announced in August that it would not block states from regulating marijuana, it also warned that their enforcement rules “must be tough in practice, not just on paper.”

“We’re already seeing a worst-case scenario emerging,” said Kevin A. Sabet, an opponent of legalization and the co-founder of [Project SAM, Smart Approaches to Marijuana](#). He said marijuana was already flowing from dispensaries into the hands of teenage users, and he predicted the social costs would only mount in the months ahead.

One corner of this new frontier is emerging in an industrial park on the eastern fringes of Denver, where the Medicine Man dispensary is working to be among the first wave of new retailers. The business, housed in a converted spice factory, is expanding its growing operation from 5,000 plants to 11,000, sketching out plans to remodel the interior and placing advertisements in golfing magazines, to appeal to potential customers. Even the countercultural names of its marijuana — Cat Piss Romulan, for example — will be softened.

“That’s not something you want to take home,” said Andy Williams, who owns Medicine Man with his brother and mother. “Maybe we’ll call it Midnight Dream.”

Under Colorado’s rules, some shops will have to build separate entrances and new walls to separate their medical business from their recreational business. Medical customers — there are about 112,000 statewide — will pay a lower sales tax than recreational buyers. And businesses will be required to keep separate records and inventories.

Colorado residents will be able to buy an ounce at a time. Visitors will be allowed a quarter-ounce. (Prices now range from \$25 to \$50 for an eighth of an ounce.) Both legalizing states will allow adult out-of-state visitors to buy and consume, but neither allows consumption in public, and both bar transporting legal marijuana across state lines.

So far, no dispensaries in Colorado have cleared the final inspections and obtained the final licenses to begin selling recreational marijuana. Licenses in Washington will be issued as early as January, but the first retail marijuana to sell will not be available until spring.

But even the wait itself underscores what is perhaps the biggest, yet subtlest implication of legalization: What once seemed wild, dangerous and radical to most Americans has become the stuff of state and local bureaucracy.

Although the governors of Colorado and Washington both opposed legalizing marijuana, once the voters had spoken, they and other state officials threw themselves into setting up shop to make marijuana work. In Washington, the State Liquor Control Board is in charge. In Colorado a commission presented plans to the Legislature, and state and city agencies are now sifting through applications.

“We know that we are under the microscope of experimentation here,” said Jack Finlaw, chief legal counsel to Colorado’s governor, who helped develop the state’s new marijuana regulations. “Now the challenge is rolling it out and making sure the rules are properly enforced.”

That mainstream momentum, and its message that marijuana is part of ordinary life, like a drink after work, is in turn spilling over into other

states. In October, a Gallup survey found that 58 percent of Americans favored making marijuana legal, the strongest support in the poll's history.

“Those victories in Washington and Colorado transformed the legalization and regulation of marijuana from an abstraction into a political reality,” said Ethan Adelman, executive director of the Drug Policy Alliance, which supports legal marijuana. “How do we morally justify arresting people and locking them up when just across the border, or a few hundred miles away, it's being treated more or less like alcohol?”

In Arizona, where people are gathering signatures to put legalization on 2014 ballots, organizers said a transplant from Washington who worked on the initiative there, came with a resonant message of practical, proven strategy: lose the tie dye and any green leafy symbols that might remind anyone, anywhere, of Cheech and Chong or Bob Marley, and then, dressed well and speaking politely, expand at every opportunity the constituency beyond college students.

“Present a normal-type atmosphere, instead of a drug-use-type atmosphere,” said John Howlett, 58, a former airline mechanic who volunteered in Washington and has been working with Safer Arizona on its referendum drive since his retirement there last year.

The mainstreaming extends to economics too. In Washington, about 1,700 applicants have filed for state licenses to grow, process or sell marijuana since the application process began last month. In many cases — if only to gauge by the names of applicants like Killer Grown Bud and Holy Smokes Farms — the new entrepreneurs are marijuana enthusiasts whose interests predate legalization.

But there are also people like Donald Burks. He's a 70-year-old farmer in western Washington who said he has never tried marijuana and has no interest in doing so now. He applied for a grower's license because he saw a market for specialty seeds and starter plants — an agricultural niche he knows well after 30 years farming.

“Every farmer I know is on the lookout for a new crop,” he said. Mr. Burks said he never imagined that marijuana would one day become an agricultural crop, legal as parsnips, but he admits he’s been wrong before.

“I didn’t expect I’d see broccoli become a popular product either, and it has,” he said.