

# Opinion: Ski towns wrestle with marijuana

By Allen Best, Mountain Town News

You can buy a Budweiser in Vail. You can smoke a bud, as in the flowering portion of a cannabis plant, in the privacy of your own home. But buy a bud, shatter, wax or chocolate chip cookies infused with THC, the psychoactive agent in cannabis?

Not yet. And perhaps not ever. Unlike some other ski towns in Colorado, which have chosen to treat marijuana similar to alcohol in important ways, Vail has been deeply ambivalent about allowing sales. Almost everybody would agree that attitudes toward cannabis use have rapidly changed, and many people would agree that it's for the better that the economy of cannabis has been brought above ground.

But what is the effect on the "brand" of Vail? That's been the question in recent weeks as elected officials mull whether to allow sales. It's a question that Whistler could someday also face, given the trend toward legalization in North America. After all, "super, natural British Columbia," as the tourism slogan goes, is located between Washington state and Alaska, and both have now legalized sales for recreational use.

Colorado voters, with a 55 percent plurality, legalized recreational use, "grow 's "great social experiment," as Gov. John Hickenlooper put it, has gone reasonably well since 55 percent of voters in November 2012 legalized recreational use, "grow" operations, and sales. Sales were authorized beginning in January 2014.

In Vail, the margin was even larger, 60 percent. And among that majority was Andy Daly, the silver-haired mayor of Vail. He's been in Colorado 46 years, working first as a ski patroller at Aspen before moving into management jobs. He's

overseen several ski areas and for a time was president of Vail Resorts, the ski company.

Daly says he voted for legalization in the hope that bringing the marijuana economy above ground would reduce the power of drug cartels in Mexico and the United States. It's probably too soon to know whether this has succeeded, in part because Colorado is responsible for such a relatively small part of the North American market for cannabis.

But wanting to legalize cannabis sales is not the same as wanting stores on your main street or, in the case of Vail, the Bridge Street. Colorado's law allows the towns, cities and counties to allow sales –or not. Far more than half so far have chosen not to allow sales. Use is allowed in all jurisdictions, but nowhere in public, such as along streets or parks.

As mayor, Daly is inclined to keep Vail's door closed on sales. He says he is persuaded by the community survey, which is distributed not only to residents but also second-home owners and others with a deep interest in Vail affairs. In that survey, 85 percent of respondents indicated they had no interest in allowing cannabis stores in Vail.

Daly says his thinking is guided partly by business owners in Vail but also those in Breckenridge and Aspen. Legalized sales, he says, "Would be extraordinarily disadvantageous to the brand we've tried to develop in Vail and protect and extend."

The testimony of Mexican visitors has particularly influenced Daly. Wealthy Mexicans have been drawn to Vail for decades, and the town is currently in the process of establishing a sister-city relationship with San Miguel Allende, a resort along the Atlantic coast. As Brazil has prospered, Portuguese has also become a commonly heard language in Vail, too. Vail's attraction to rich Latin Americans is the sense of security.

“They feel it’s a very safe environment for their children, and at least anecdotally, they are not in favor of marijuana for sale in downtown Vail,” says Daly. “They don’t want their kids to see it. They think it would be detrimental to the overall experience. They feel the same as (our) business owners, that it would be inconsistent with our brand.”

Like Whistler, Vail is not entirely prim and proper. Alcohol has often flown freely, sometimes during holidays producing exuberance bordering mayhem. Marijuana use has been ample, too. In 1985, when a quad lift with a sliding canopy to protect riders from snow and wind debuted, it was formally called the Vista Bahn. With a knowing smirk, locals called it the Rasta Bahn, a reference to the marijuana culture of reggae music then popular.

That’s not to say that you can’t buy marijuana now when visiting Vail. It’s harder than ordering a pizza, but it’s still easy enough. Three stores that sell cannabis products can be found in a strip that locals call the Green Mile. It’s located in Eagle-Vail, the unincorporated community between Vail and Beaver Creek. From Vail Village, it’s a 5- or 10-minute ride. Some hotels dispatch vans to take their guests to the cannabis stores.

The one I visited during mid-June is called Roots Rx, and it’s located in a suburban office building with an engineering company upstairs and a packaging business next door. It will dispatch a limo to customers who call in, and a “budtender” named Sara told me that the limo has stayed plenty busy since the store opened last October.

Small by standards of those in Denver, it still has the full range of goods: joints, bud for smoking in bowls, plus the concentrates: shatter, pie crust and wax.

It also has edibles: various candies and cookies infused with THC, the psychoactive agent in cannabis. To seemingly

everybody's surprise in Colorado, edibles have been responsible for 40 percent of product sold since recreational sales began in January 2014 and the concentrates another 19 percent.

Edibles have had unintended consequences, most famously the catatonic night that *New York Times* columnist Maureen Dowd spent on a high-priced hotel bed in downtown Denver soon after sales began in 2014. She wrote about her frightened over-indulgence some months later. Unlike smoking, which quickly produces a sensation, eating or drinking THC-infused products has a more delayed impact. Feeling nothing at first, some have gobbled several portions.

"An overdose on marijuana is called a nap," one "budtender" assured me with a smile when I visited a Denver-area store selling recreational marijuana last winter. But the evidence suggests a more unwieldy set of reactions. One college student jumped from a hotel balcony in Denver after wolfing down too many edibles. There have been reports, shy on data and strong on anecdote, of increased visits to emergency rooms.

Colorado regulators in February responded with new rules that mandate identification of THC contents in portions. A chocolate bar may have 100 milligrams of THC, but the bar is broken into chunks of no more than 10 milligrams per serving. In most of the stores I have visited across Colorado since December, customers are advised to start low and go slow. In other words, wait an hour or two to see what 5 grams will do.

A substantial number of marijuana buyers have been tourists. One study conducted a year ago, six months after sales began, found that visitors were responsible for 50 percent of purchases in metro Denver and up to 90 percent in ski towns.

Aspen and Telluride both allowed sales as soon as the state's rope was dropped in January 2014. They twitch liberal to Vail's innate conservatism. Jack Nicholson and Goldie Hawn

hung out in Aspen for decades, and Oprah Winfrey and Tom Cruise have places in Telluride. But Vail? It's better to know Wall Street, than Hollywood, to pick out the rich and famous that visit Vail or its nearby companion of Beaver Creek.

Both Aspen and Telluride treat cannabis much the same as alcohol, at least in determining location of outlets. Like bars, they must be a respectful distance from schools, for example. Both towns also chose to let the market regulate the number of stores. There is no quota. The market itself has capped, for the time being, four stores in Telluride and five in Aspen.

Steamboat Springs was more slow to open the door – and only partially so. Elected officials there carefully created zoning that precludes cannabis stores near the base of the ski area or in the historic downtown area. The stores – capped at three – are all out on the edge of town, with the likes of auto-body shops and plumbing offices.

Other ski communities are split. Most of the world thinks of Crested Butte as one place. It's really two places. The original mining town tilts liberal, but a newer municipality at the base of the ski area called Mt. Crested Butte trends conservative. One allows cannabis sales, but the other one? Forget about it. You see that same dynamic in many other joined-at-the hip ski towns, including Aspen and Snowmass, Telluride and Mountain Village, Winter Park and Fraser.

But here's something more perverse. Those places more inclined toward conservatism also are distrustful of the free market. Big-government Aspen lets the free-market govern how many cannabis stores operate, but trust-the-free-market Steamboat believes in central planning.

**Authentic Colorado**

Breckenridge offers arguably Colorado's most interesting story. The town calls itself "genuine Colorado," a reference to its roots in the gold rush of 1859. One relic of that mining era is architecture along the town's Main Street with the Queen Anne's touches of the Victorian era.

It's a cute place for families to stroll, stopping at stores that sell T-shirts, candy and clothing. One store is called the Joy of Sox.

And when recreational sales began in 2014, visitors could also shop for Sour Diesel and other strains of indica and sativa at a store located on the second floor of an old yellow-sided house on Main Street. That's where the Breckenridge Cannabis Club was located, and on opening day it had lines of customers up the narrow stairs and out the door and onto the sidewalk along Main Street.

Breckenridge had a history of being ahead of the Colorado curve in legalization. The town was quick to allow sales of marijuana for medicinal uses after it was authorized by state voters. They could even be on Main Street, if only in second-floor locations. In 2009, town voters went one step further, with 73 percent of voters allowing possession of up to one ounce. It was the first municipality in Colorado to do so. When 55 percent of Colorado voters opted for legalization, Breckenridge was there with 70 percent.

But as time went on, Breckenridge's embrace became less broad. Many people saw medical marijuana a sham. It was supposed to be for people in genuine need, and the Colorado law spells out the conditions: cancer, glaucoma, AIDs, and others. But there was also a provision for "severe pain," and medical dispensaries in Denver and elsewhere found physicians, on call, who could diagnose that severe pain – wink-wink – in short order. No need to get an appointment weeks in advance. Rather, the script was minutes away. "I've never seen so many 21-year-olds with severe neck pain," the local sheriff said at

the time.

The Breckenridge Town Council decided that recreational sales needed to be treated differently than medical sales. The Breckenridge Cannabis Club could still operate out of its second-floor location on Main Street if it sold medical marijuana, but recreational sales could only be done in certain zones. One of those zones is a service district called Airport Road. Several cannabis stores had located there. Locals dubbed it Airpot Road.

The Breckenridge Cannabis Club fought to stay on Main Street and sell recreational pot. But 70 percent of town residents said no. Risk was the central axis for the debate. "Big risk, little upside," warned three former mayors with a combined tenure of 16 years. "When marijuana goes mainstream, added the former majors, our Main Street may then be ready. But not now, not yet."

In March, a survey commissioned by the Breckenridge Tourism Office probed how visitors saw the community in light of the availability of marijuana. Overall, 75 percent said it was neither positive nor negative, but more (12 percent) were very positive than (percent very negative). In the overnight visitors not from Colorado, i.e. the destination guests, reviews were even stronger, 20 percent finding marijuana as positive compared to 7 percent who saw it as a negative.

Breckenridge also collects a local sales tax on marijuana sales, but it's only 1.5 percent of the total sales, compared to 10 percent for grocery and liquor, 22.5 percent for bars and restaurants, and 31 percent for short-term lodging.

### **The experience in Vail**

In Vail, legalization has been a curiosity to most people. One person I know, a long-time consumer of marijuana, has started buying his stash from the Green Mile stores. Why wouldn't you, he said, instead of buying from somebody you barely know in

the shadows?

Make no mistake: it's still illegal to consume marijuana in public. People can buy edibles, and no one will know. But smoking a joint or a bowl? Colorado law strictly bans smoking in public places. That includes the ski area and Bridge Street. Indoor smoking is also banned in hotel rooms. Those people smoking – whether tobacco or cannabis – are commonly fined \$250 to \$300, for the cost of removing the scent.

A hotel valet named Geno, who I used to play basketball with in Vail, reports that he doesn't get asked about where to buy cannabis all that often. Everybody has an iPhone, and the information is at his or her fingertips, he says. "If somebody does ask, I explain that it's not as legal as some people think," he said. It's illegal to drive while under the influence.

As the Vail council started discussion options in early June, Greg Moffet was one of the more outspoken members. He tends toward florid Hawaiian shirts and sandals, even at council meetings. But he didn't argue for legalizing sales. However, he did declare that Vail needs to respond to a new reality. "We have people coming to town anyway, with their shopping bags from Eagle-Vail or Denver," he said. "I am most concerned about creating an environment where a percentage of our guests – and we need to make peace with this fact – that a percentage of our guests want to consume this product. I think it is incumbent on us to not put our heads in the sand as to what is going on here. The status quo is broken."

Moffet says that Vail needs to provide a place for people to consume cannabis, no matter where they've purchased it. Daly observed that Moffet was talking about marijuana clubs. Only one such place seems to exist in Colorado, at the gambling town of Black Hawk.

Later, in an interview, Moffet said that in his ideal model,



cannabis would be consumed where it is sold. "But that model does not exist today," he added.

The Vail council will take up the marijuana issue again in July, and Moffet says he doesn't think the town's ready to accept sales. But he also argues that Vail should not close the door forever. "It's moving too fast," he says.

You hear that comment frequently in Colorado. While 23 states and the District of Columbia now allow medical use of cannabis, Colorado was the first to implement regulations for sale of purely recreational use. Washington state voters approved legalization at the same time. But without a legal framework or sales of medical marijuana, Washington has been slower to move forward. Colorado is the petri dish for the experiment.

Now, Oregon, Alaska and Washington D.C. have legalized recreational use – although the latter has a modified model, one that emphasizes personal grow operations.

Where will this all end up? *High Times* magazine sponsored the Cannabis Cup on April 18-20 in Denver. The event drew some 50,000 to 75,000 people. Bill Kreutzmann, the drummer for the Grateful Dead, was there to promote his book, "*Deal: My Three Decades of Drumming, Dreams and Drugs*". Some of the 300-plus vendors were hawking pipes, LED lights for more energy efficient grow operations and T-shirts: Denver: Center of the Cannaverse, said one.

There was a sense of triumph as thousands of people drew on cannabis cigars, called blunts, and a collective puff at 4:20pm April 20 produced a haze of smoke. Before, in conference rooms, speakers had discussed everything from how to cook organically and healthily with cannabis ("cut out the refined sugar!") to political implications. Ballot issues are being readied in Arizona, California, Nevada, Maine and Massachusetts. Legislators in some other states are working up

proposed legalization laws.

“If California legalizes it, it’s over,” said Russ Belville, who does a daily two-hour show on 420 Radio, which calls itself the NPR of THC.

What’s all over? The national policy of prohibition. The U.S. government took the first steps to ban marijuana in 1937, just a few years after legalizing alcohol, and then stepped up the ban in 1970 by making it a Schedule 2 controlled substance under federal laws. Belville showed a chart showing that more than two million people have been imprisoned under the laws. “Mostly black and Latino men,” he said.

Keith Stroup, an attorney who in 1970 founded NORML, the advocacy organization, said that in 1969, polls showed just 12 percent of Americans favored legalization. Now, polls show between 53 and 58 percent for legalization. They can see the failure of prohibition, he said, but two-thirds of Americans also have an unfavorable opinion of marijuana users. “They see us as slackers, people without ambition who spend our days on the sofa,” he said. “We have passed the tipping point, but marijuana smokers must be responsible in how they pursue it and how they present it.”

And after the United States? Other countries took their cues from the U.S. in making marijuana illegal, speakers said, and the reverse will be true, too. Might that include Canada?

Colorado’s key lesson is that legalization has more complexities than you might think. The popularity of edibles surprised everybody. Police are still trying to get a handle on how to judge the influence of somebody who has ingested THC. Everywhere there are questions about the impact of greater availability on the formation of adolescent minds.

Five and 10 years from now, there will probably still be questions. Keep in mind that the prohibition of alcohol in the United States ended in 1933. If prohibition was considered a

massive failure, Americans are still coming grappling with the effects of legalization 77 years.

With cannabis, much the same is likely to be true, too. But Colorado is already one token over the line.