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CO pot shops face surveillance, shorter hours

June 26, 2011 11:57 AM ET

By *KRISTEN WYATT*

DENVER (AP) - Colorado's marijuana industry will become the nation's most regulated later this week, and pot shops are scrambling to comply with new seed-to-sale tracking, shorter business hours and mandatory video surveillance for growing plants and finished products.

Some of the requirements, such as a grow-your-own regulation forcing pot shops to grow 70 percent of the pot they sell, have already taken effect. But most rules will kick in Friday, including background checks for everyone working around medical marijuana to screen out drug felons.

Other rules include video surveillance of both growing marijuana plants and finished pot products, a move to make sure medical pot doesn't end up on the black market. The state also plans to enforce a statewide 8 p.m. closing time for pot shops.

Colorado also is imposing registration requirements on caregivers, people who grow for up to five patients. Caregivers fought unsuccessfully in the state Legislature this year to keep their growing sites and what they're growing private. Some pot growers vow to drop out of the system rather than face state oversight.

"I see the caregiver model pretty much evaporating," said Adam Mayo, an attorney in Steamboat Springs who advises marijuana patients, growers and shop owners.

Instead, Mayo said, caregivers may choose to stop growing plants for patients and instead offer them warehouse space to grow their own allotment of six plants each. Because patients are not required to tell the state where they're growing their pot plants, Mayo said a marijuana collective such as a communal warehouse wouldn't violate state law.

"You could charge them just like you'd charge a tenant," Mayo said of patients.

It's an option a few caregivers and even dispensary owners are taking seriously.

"I'm not crazy about going on a registry that might be obsolete in a couple years," said Bret Kantola, a Denver caregiver who currently raises plants for two people but said he's getting out rather than register. Kantola cited shifting signals from the federal government on marijuana and a confusing state regulatory framework.

"It's been very, very turbulent, and it's been one thing after another," Kantola said of Colorado's efforts to regulate the pot business.

The owner of two dispensaries in Lafayette, Veronica Caprio of 420 Highways, said she plans to close her shops and start a collective. She decried Colorado's regulations as intrusive for marijuana patients.

"It's complete unknown territory, this Big Brother tracking," Caprio said.

A spokeswoman for the state's Medical Marijuana Enforcement Division, which oversees many of the pot regulations, said collectives may be illegal. Julie Postlethwait said a collective growing site would fall under state regulations if the site were under a single person or group's control.

Caregivers who want to try collective growing say they're prepared to test the state. Timothy Tipton, a Denver caregiver, says he's starting a collective and plans to sublease plots to patients who won't be allowed to sell or even give away pot they grow so they can avoid state oversight.

"It allows patients who are upset with all the regulation going on here to maintain their constitutional rights" to grow and use pot, Tipton said. "We have the constitutional right to do this, and we're not giving up."

Maybe so, but not all caregivers are as outspoken as Tipton. Tipton organizes an annual pot-tasting contest called the Caregivers' Cup, which planned its final contest in Denver on Sunday. He said about 1,000 patients a year have shown up at the celebration to sample and rate pot strains — but caregivers are wary of public attention and have said they won't participate after the registration requirements take effect.

Marijuana advocates, along with state officials and lawmakers who approved the rules, are divided about what the oversight will mean for medical marijuana in Colorado. Sponsors of the regulatory bill last year boasted that the rules would drive half the state's 800 or so dispensaries out of business. But more than 700 of them have applied for state licenses, due to be issued in July of 2012.

Ryan Cook, general manager of three dispensaries in Denver called The Clinic, said patients haven't complained as much as he feared about increased video surveillance, a mandatory 8 p.m. closing time and a requirement that



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patients' marijuana registry cards be scanned every time they buy pot.

"I get a sense from patients they're accepting the requirements," Cook said. "We'll see how it evolves, but right now, people just want a safe and affordable way to get their meds."

But at a recent marijuana legalization debate in Denver, pot advocate Rico Colibri of the Association of Cannabis Trades warned that increased tracking and surveillance could turn out badly if the federal government changes course on deferring to states that allow medical pot.

"There could be scary things happening to people here very soon," Colibri said.

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