

Jubilation vs. hesitation

Written by By Kevin Opsahl Sun Correspondent
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Area leaders, vendors, police sound off on new cannabis law

This week, cannabis advocates felt a sense of jubilation after New Mexico became only the fifth state in the nation to legalize recreational use of the drug.

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But ask some people in Gallup and McKinley County for their thoughts and they either haven't read the bill or are skeptical about whether the impact will be positive.

The reaction comes after Gov. Michelle Lujan Grisham this week signed HB2 into law, which allows anyone 21 or older to obtain a license to grow cannabis come Jan. 1, 2022 and make it available for commercial sale by April 1. Sales to minors, however, are still prohibited. The bill also adds provisions for medical marijuana, which is already on the books.

Bill Lee, CEO of the Gallup-McKinley Chamber of Commerce, said "the jury is still out" as to how communities will be impacted by the cannabis bill.

"We're going to have to wait to see how this all plays out once everything gets rolling next year," he said. Lee said he wanted to see if the bill lives up to its potential.

Some provisions in the bill the governor signed made it more palatable for the Chamber this time around, Lee added. But even that wasn't enough for his organization to go full-tilt in support of it.

"We did not take a hard-nosed stand on it. We watched the bill carefully to make sure ... business protections were left in," Lee said.

Lujan Grisham says the legalization of recreational cannabis paves the way for the development of a new economic driver with the promise of creating thousands of good paying jobs for years to come, with gross receipts taxes and local taxes applying to the value of the adult-use purchase of cannabis.

HB 2 calls for distribution of a portion of the Cannabis excise tax to municipalities and counties.

ARGUMENTS FOR HB2

Red Barn Growers, a medical cannabis dispensary with a brick-and-mortar location in Gallup, plans to expand its operations to start offering the drug commercially.

Ellie Besancon, executive director of Red Barn Growers and general manager of Vireo Health New Mexico, was ecstatic over HB2.

“This was a heavy lift. It’s been a long time coming,” she said.

Besancon touted both the medical and recreational uses of cannabis.

“At its core, whether it’s being sold under a recreational market or under a medical market, we believe this is an opportunity for wellness,” Besancon said. “We believe in the efficacy of cannabis as a viable healing modality and understanding the science of this planet and how it works in conjunction with the body.”

She described it by saying humans have a biological system endocannabinoid with receptors, found in the brain and nervous system. Here’s how she described it.

“I liken it to Mother Nature’s booster. If the body is already creating a natural component that corresponds with this endocannabinoid system, isn’t it a beautiful thing that this plant also works

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with these receptors in the body?” Besancon said.

She said research suggests that cannabis can help people calm their anxiety or act as an anti-inflammatory.

As a proponent of recreational cannabis, Lujan Grisham has touted the drug as one that would create a “bona fide industry,” generating some \$318 million in the first year and 11,000 new jobs over several years.

Besancon believes the governor is accurate, not hyping expectations. She said one indicator is the number of people who are receptive to the medical marijuana program.

Red Barn Growers is preparing for commercial cannabis sales by expanding its cultivation efforts, located in Gallup. Currently, it grows up to 1,750 plants and under the new law, that number could be four to five times higher, Besancon said.

Red Barn Growers wants to add physical locations in Las Cruces and Albuquerque, but also expand and renovate its Gallup location, which Besancon called “the crown jewel” of the company.

Peace Cannabis Cards, which opened in 2007 as the first medical marijuana company in the state, does not see HB2 as a threat.

That’s in part because while taxes will be implemented on recreational cannabis, they won’t be in place for medical use, owner/founder, Robert Verget said.

But he also said he doesn’t see the law as harmful because cannabis for recreational use has “some catching up to do” compared to the already-established medical side of it.

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“It’s a brand new industry. It’s young, still. It’s the first year,” Verget said. “There’s going to be a lot of trials and tribulations. There’s going to be a learning curve. It takes a little while to iron out the kinks.”

Verget is looking forward to HB2 being fully implemented by next year.

“We want the new industry — that way, New Mexico can profit a little bit before the other states do it,” Verget said. “I feel this program was given to the people. If they’re going to do what they say they’re going to do, then this is one where a local person in Gallup could open up a shop.”

ARGUMENTS AGAINST HB2

While Lee is happy that the new law still requires workplaces to be drug-free, he cited “a whole host of problems” with HB 2. They include the challenges human resources departments will face when employees use cannabis in their free time.

He doesn’t think cannabis will make as much money as the governor predicts and is worried large corporations, rather than citizens, will be the ones that reap benefits from the drug’s sales.

“This is not the ultimate diversification of our economy — it’s certainly another step in that direction — but it’s not going to be as big a revenue-producer for the state, cities and counties, as she [Lujan Grisham] has anticipated,” he said.

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Lee is hopeful the new law will “protect that true entrepreneurial spirit” in people who are interested in growing and selling recreational marijuana.

Lee said local banks are still bound by federal government regulations, which state cannabis is illegal. If banks can’t give capital to interested growers, they’ll have trouble starting up their businesses in the first place.

Then, there are the social implications that could come about with the new law, including driving under the influence, Lee pointed out. When asked what that had to do with the economy, he noted the Chamber’s philosophy.

“We are concerned that adding more social problems to what we already combat with severe alcoholism in our community, is not the best or healthiest thing for creating a quality of place,” Lee said.

While Lee remains a skeptic, so does Rep. Patty Lundstrom, D-Gallup, who also leads the Greater Gallup Economic Development Corporation. She said many members of District Nine asked her to vote against it.

“I believe, as they do, we need more time to really evaluate the benefits of this industry,” she wrote in an email. “I do not see it as the magic bullet for new state funding in the absence of a real look at the social costs.”

LEGAL EFFECTS

Legalization of recreational marijuana will create ripples in the courts, on the streets and even when it comes to drug-sniffing dogs.

McKinley County attorney Doug Decker told the *Sun* he believes the heaviest burden may fall on district attorneys and courts. They will be faced with expunging records, prosecuting future cases and proving DWI violations when someone is marijuana-impaired.

“Cannabis is not responsive to the breath test like alcohol is,” he pointed out, “and the law says [the] odor of cannabis is not indicative of impairment.”

Until now, when an officer pulled over a swerving car and noticed the smell of marijuana, it could be considered reasonable suspicion to search the vehicle. That, Decker said, is no longer the case.

Gallup Police Chief Franklin Boyd elaborated on potential complications.

“The primary challenge is enforcement of driving under the influence of marijuana,” he said. “Currently there is no portable roadside analysis mechanism to detect the amount or level of THC in a person’s system in the early stages of a DUI investigation. The only other method is a blood draw for analysis.

“These are not challenges we can’t overcome, although I fear a potential increase in DUIs related, not just related to marijuana, but high potency marijuana, specifically, and even ‘chemically-laced’ marijuana.

“We all recall the nightmare ‘bath salts’ caused when it was difficult for specific laws to keep

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them illegal — when a simple ingredient change made certain laws toothless regarding enforcement restrictions,” Boyd said.

Decker said this new law will make it much harder for the courts to get felony convictions on intoxication charges.

In addition, Decker said he expects HB2’s passage to affect the future for drug-interdiction dogs.

“Some people say they can be retrained,” Decker explained. “Some say if they’ve been trained on marijuana, they may have to be retrained for a different purpose than drug-sniffing.”

He said it may turn out to be necessary to get new dogs with training on other drugs, not marijuana.

The recreational cannabis bill was signed into law by the governor on April 12. It will allow adults age 21 and over to grow marijuana at home and possess two ounces (56 grams) outside their homes beginning June 29. Sales of recreational cannabis will begin April 1, 2022 at state-licensed dispensaries.

Beth Blakeman contributed to this report.

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