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# Legal loophole in DC creates bizarre pot bazaar

By ASHRAF KHALIL    September 28, 2017



WASHINGTON

(AP) — It's hard to



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cotton T-shirt, but the customer at a store in Washington D.C.'s Adams Morgan neighborhood does so without question. The clerk grabs a clear plastic box containing about one gram of marijuana and drops it into the bag, reciting a practiced line: "Thank you and here's a gift for you to have as a souvenir."

It's another satisfied customer in the so-called District of Cannabis, the unique legal and commercial space spawned by the District of Columbia's unusual approach to marijuana legalization.

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by Taboola





A 2014 ballot initiative to legalize recreational use passed overwhelmingly. But unlike the eight states that have legalized recreational use, the Washington initiative also maintained it was still illegal to buy or sell the drug.

So instead of the straightforward marijuana storefronts common in Colorado or Nevada, Washington has developed a thriving “gift economy” marijuana industry. These businesses--many offering delivery--sell everything from coffee cups to



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coming with a little something extra.

It's a curious legal and semantic tightrope, and one the District's politicians and police seem determined to keep walking.

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"It's definitely unique," said Morgan Fox of the pro-legalization Marijuana Policy Project. "The DC city council and the city government don't want to be busting people for weed. They want this to work and work smoothly."

Washington's local government didn't choose to make the District a real-time sociology lab for alternative



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legal middle ground  
lie in the District's  
tortured  
relationship with  
the federal  
government.

"We would have  
regular stores if we  
had the normal  
rights of a U.S.  
state," said Nikolas  
Schiller, co-founder  
of DCMJ, a pro-  
legalization group  
that helped draft  
the initiative's text.

All District laws are  
subject to review by  
a congressional  
committee, which  
can veto them or  
alter them by  
attaching riders to  
federal  
appropriations bills.  
After the initiative  
passed, Rep. Andy  
Harris, a  
Republican from  
neighboring  
Maryland,  
introduced a rider  
prohibiting the



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spending any funds  
or resources on  
developing a  
regulatory or  
taxation system for  
marijuana sales.

Harris, an  
anesthesiologist  
and member of the  
conservative  
Freedom Caucus,  
remains a staunch  
opponent of  
recreational  
marijuana use and  
has no regrets  
about complicating  
the District's  
legalization model.

“I think the District  
of Columbia made a  
bad decision,”  
Harris said in an  
interview. “I would  
hope the District  
comes to its senses  
and realizes the



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According to  
marijuana  
merchants, the  
change has resulted  
in spiraling supply  
and demand. The  
relative ease of  
availability without  
risking arrest or  
having to maintain  
a relationship with  
a dealer has  
brought a wave of  
consumers of all  
ages and  
demographics. And  
that wave of  
demand has  
brought a wave of  
new suppliers.

In addition to the  
dozens of different  
businesses working  
through the gift  
loophole, there are  
now hundreds of  
marijuana-themed  
public events taking  
place across the  
city — most openly  
advertised on social  
media.

“Seven days a week,



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said Gregory Moorer, whose Laid Back Lords company offers marijuana gifts to accompany \$50 baseball caps and \$80 sweatshirts.

One such event, known as Cannemania, happens weekly at a closed Ethiopian restaurant. Inside isn't so much a stoner party as a fairly businesslike trade show. On a recent night, about 150 people crowded in to peruse about 25 different vendors' tables offering large jars of buds and a huge variety of edibles, from brownies to marijuana-infused gummi bears. There were also marijuana vape pens and "concentrates" —a

substance that





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waterpipe and a  
blowtorch to  
consume.

Vendors hawked  
their wares like  
THC sommeliers  
and offered free  
hits of  
concentrates. But  
there was,  
according to the  
rules, no smoking  
of marijuana buds.  
For the most part  
everyone kept to  
the necessary gift  
loophole script:  
your money  
technically bought  
you a raffle ticket,  
some expensive  
rolling paper or, in  
one case, the  
baseball card of  
former Cleveland  
Indians shortstop  
Julio Franco.

Despite the  
ubiquity of the  
drug, it would be  
inaccurate to  
describe the

District as some



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Muriel Bowser's government has worked hard to establish clear lines on what is and is not permitted. It remains illegal to smoke in public. Arrests for public consumption have actually spiked since the legalization initiative came into effect. Bowser also personally lobbied the city council to defeat a proposal to permit pot smoking in bars or restaurants — fearing it would lead to private cannabis clubs.

The police have also pounced on entrepreneurs who push things too far. In late 2015 they arrested Nicholas “Kush God” Cunningham, who

had deployed a fleet



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decals that would hand out pot edibles in exchange for “donations.”

“I’m surprised they didn’t bring him in sooner,” said Fox of the Marijuana Policy Project. “He was clearly getting remuneration for a product and being very flashy about it.”

Police maintain that the gift loophole isn’t fooling anyone.

“In our estimation, that’s still illegal,” said Lt. Andrew Struhar of the Narcotics and Special Operations division of Washington’s Metropolitan Police Department.

But Struhar also admitted that police aren’t

“actively out



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as long as everything stays low-key and the neighbors don't complain.

"We serve the citizens and if they say there's a problem on this or that block, we're going to do something about it," he said. "If you're going to flaunt it and you're going to stick it in our face and force us to take action against it, then we're going to take action."

For now the model seems to be staggering along, but it's debatable how long this can continue.

Legalization activists say that a quasi-legal gray area was never their goal.

Members of the



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even less enthusiastic; they complain about the intrusiveness of the congressional oversight and point to a study which estimated \$130 million in potential annual revenue from taxing marijuana sales.

“I don’t think it’s sustainable,” said City Council Chairman Phil Mendelson. “We have legal marijuana but we can’t regulate it. It’s stupid, it’s just stupid.”

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