

# Meyer: Spot the pot candy, Colorado

By Jeremy Meyer

DenverPost.com | 10/25/2014

There ought to be a law.

No company should be allowed to buy children's candy in bulk, spray it with viscous marijuana hash oil, and sell it as marijuana edibles.

Yet that is exactly what is happening.

At least one Colorado company, EdiPure, is buying up candies such as generically made gummy bears, sour rainbow belts and other hard candies and infusing them with pot, then repackaging the candies for sale at your local marijuana retail store. And they are making gobs of money at it.

Recently, a couple of billboards went up over Denver to warn parents to keep a watch this Halloween for marijuana-infused candies. The signs, sponsored by advocacy group Smart Colorado, includes photos of pot-infused edibles, from suckers to sour candies, and asks, "Can you spot the pot? Marijuana candy: Trick or treat?"

Denver police recently released a YouTube video featuring Patrick Johnson, owner of Urban Dispensary, advising parents to throw out the candy if they are not sure of its origin.

"The most cost-effective way for them to bring that to the market is to use knock-off candy," Johnson said. "They buy in bulk form and infuse it with viscous hash oil. They spray that on the candy. Once that candy dries, there is no way to tell the difference between infused candy and candy that has not been infused."

Many of the candies shown in both the billboard and video were from EdiPure, whose managing partner Dan Anglin did not make himself available for an interview.

Sitting side by side, the candies look exactly the same. But they will give you a dramatically different experience. The one bought at Costco will be your typical jolt of sugar. The one from a retail marijuana shop will make you high.

The state continues to wrestle with what to do about edibles once they get out of the package.

The legislature this year passed House Bill 1366 to come up with ways to "protect people from the unintentional ingestion of edible retail marijuana products." The goal is to come up with rules to make edibles "clearly identifiable when practicable."

Should it be dyed, shaped or stamped? Should a rule require it always to remain with its package? Last week, a proposal by the Colorado health department to ban almost all forms of edibles if they cannot be distinguished was shelved after bitter outcry from the industry.

Here's an idea: Make companies manufacture their own edible products. Prohibit them from taking already produced sodas, granola, cookies or other products and simply adding hash oil — especially to candies favored by children.

Earlier this year, the Colorado House of Representatives considered a bill to prohibit manufacturers from "knowingly adding marijuana to a product that is primarily marketed to children." State regulators, though, felt that would be difficult to enforce, saying it would be easy for manufacturers to claim candy isn't primarily for children.

Instead, an amendment was added to make it a deceptive trade practice for the manufacturer not to disclose that marijuana was added to a product made by someone else and to provide the original manufacturer's identity.

"That was the more legalistic way of getting manufacturers to disclose what they were doing," said Rep. Frank McNulty, R-Highlands Ranch, who was dumbfounded when the Senate gutted the bill.

The bill that passed, House Bill 1366, created the rule-making effort that is expecting stakeholders, lawmakers and regulators to come up with a way to make the edibles distinguishable.

McNulty said the issue will come down to whether people believe children are at risk. That is the tipping point.

Diane Carlson, co-founder of Smart Colorado, says children are at risk. Even her child's private school has banned all birthday treats out of fear that some could be infused with marijuana.

"We are in the community talking to parents, schools and kids, and they are afraid," she said. "Some of these products are pretty deceptive. You could see how people are eating them accidentally. Ideally, you would think the industry wouldn't want to put (marijuana) into products that aren't easily identifiable."

Dr. Richard Zane, head of the Department of Emergency Medicine at the University of Colorado Hospital, believes the state has been careless at regulating edibles.

"There is no reason (marijuana's psychoactive ingredient) THC should be in a cookie or a gummy bear," said Zane, who says his staff is seeing more patients coming to the hospital after unknowingly ingesting marijuana-infused edibles.

"It is really careless that edibles were permitted to resemble candies," he said. "People should be allowed to do whatever they want in their own homes as long as it is not hurting others. But this is hurting others."

Children's Hospital in Denver reports this year that 14 children, most younger than 10, have been admitted to its emergency room for accidental edible exposure. The latest was in August. The

reactions have ranged from mild sleepiness to comas, said a spokeswoman. Last year, only eight were admitted.

Edibles should not be banned, as the health department briefly proposed. The genie is out of the bottle. Medical marijuana edibles have been around for years. Banning edibles would surely move them into the black market, and businesses have sunk millions of dollars into their enterprises.

However, the industry would be smart to be careful and self-regulate. Get the hard-to-distinguish candies intended for kids and not for marijuana off the shelves.

If not, there ought to be a law.