

# mg

For The Cannabis  
PROFESSIONAL

# POWERFUL DESIGNS

## GAINING THE RETAILING EDGE



- ▶ WHY BRANDING AND MARKETING EXPERTISE MATTERS
- ▶ HOW TO CREATE A SUPERIOR CORPORATE CULTURE
- ▶ CHOOSING THE RIGHT BUSINESS ATTORNEY





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# Why Sensizym Organic OIM Is Critical For Growing Top-Shelf Flowers

As a grower, you're striving to cultivate the healthiest, cleanest, highest-yielding crops possible. But did you know that one of the biggest factors in producing top-shelf flowers is enzymes?

That's right — as with our own bodies, the high-value crops we grow require enzymes to help them carry out critical biological functions. What's more, the right enzymes can keep your roots clean and strong while helping support healthy plant growth.

That's where Sensizym Organic OIM comes in. It contains a specialized active enzyme blend that scours your root zone for dead debris to keep roots clean, white and bright. Plus, it's approved for organic crop production and stamped with California's Organic Input Material Program seal.

Now, let's take a closer look at enzymes and the role they play in high-value crops.

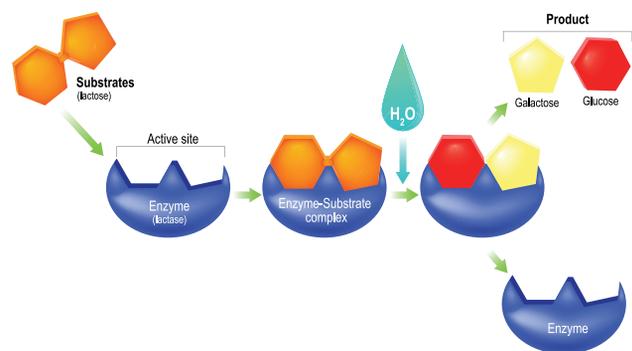
## Enzymes 101

Enzymes are proteins that are produced within living organisms. The job of enzymes is to bind with molecules, called substrates, and convert them into other molecules.

One example of this is lactose, a sugar that requires the enzyme lactase to break it down.

People who are lactose intolerant often don't have enough lactase enzymes in their digestive systems to process lactose quickly and efficiently.

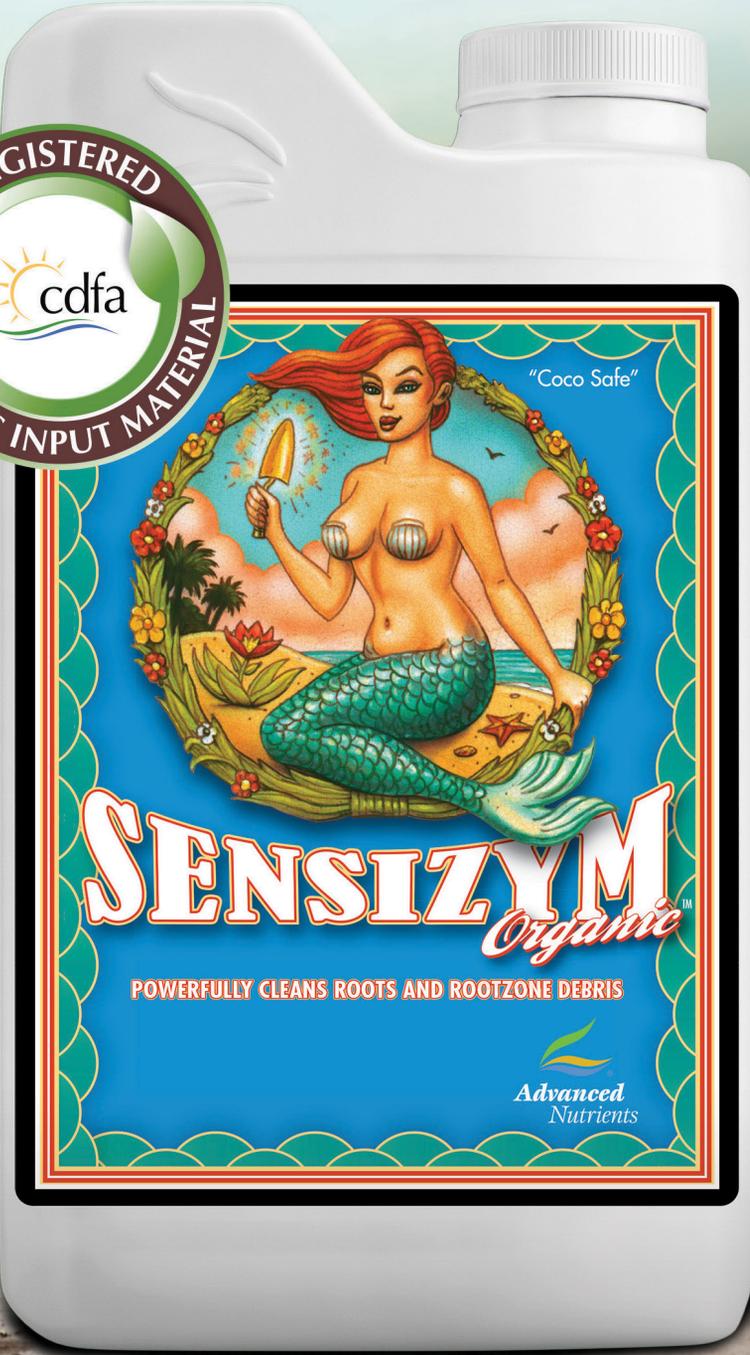
## Enzyme Action



## Enzymes In High-Value Crops

Like humans, plants contain literally thousands of different enzymes that facilitate all sorts of functions. But you can also enhance your crops with additional enzymes — that is, specialized enzymes that can keep your roots clean and bolster the health of your high-value crops.

That's exactly what Sensizym Organic OIM does. This proprietary three-enzyme blend breaks down dead organic matter in the root zone — which can attract and harbor harmful pathogens — and turns it into a nutritious food source for your plants. By keeping your roots clean and free from debris, your crops will be much less susceptible to disease.



# Put Sensizym Organic OIM To Work For You Today

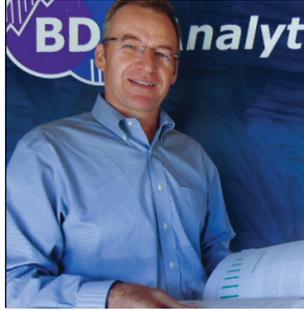
With Sensizym Organic OIM, get strong, vibrant roots that push serious canopy growth to produce top-shelf organic flowers. Learn more by visiting [AdvancedNutrients.com](http://AdvancedNutrients.com) or your nearest authorized retailer today.

**20** **Randall Huft**



**30** **Megan Stone**

**54** **Roy Bingham**



**10** | **News Briefing**

**Headlines and highlights**, in case you missed them.

**20** | **Marketing**

Advertising and marketing pro **Randall Huft** discusses when and why companies should hire professional help.

**24** | **Human Resources**

**Greenlane's Sasha Kadey** reveals the keys to creating a corporate culture that enchants both employees and customers.

**28** | **Opinion**

*mg* founding editor **Tom Hymes** warns about the sinister potential of ambition paired with trolling.

**30** | **Guest Column**

**Megan Stone** on how evolutionary dispensary design is moving the industry forward.

**32** | **Dispensary Spotlight**

In Bowie, Maryland, **Salvera** offers sanctuary to a diverse patient population.

**38** | **Business Profile**

**Boveda** backed into the industry with a mainstream product, and customers quickly became fans.

**54** | **Executive Profile**

With a background in finance and data analysis, BDS co-founder **Roy Bingham** is helping businesses harness the power of statistics.

**58** | **Feature: Retailing**

Despite legislative and regulatory impediments to expansion, **retail chains** are on the rise.

**66** | **Legal**

Tips for finding the right attorney, from National Cannabis Bar Association Executive Director **Christopher Davis**.

**72** | **Social Media**

Insight from high-profile **influencers**.



*This month's cover photo:*  
**Diego Pellicer, Denver**

**40**  
**Dispensary Design**

In an increasingly competitive environment, dispensaries are trading the “pot shop” vibe for upscale architecture and interior design.



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# Semantic Servitude

MY FATHER WAS AN UNAPOLOGETIC LITTERATEUR, tossing out arcane words at every opportunity and then telling his offspring, “Look it up.” My siblings and I spent much of our childhood with our noses stuck in dictionaries lest we miss something important, like a cryptic offer of ice cream.

Without intending to (I hope), my father created a monster. As I grew older, I became perversely adept at confounding listeners with abstruse words just so I could tell them to look it up.

As impressive as I consider my vocabulary, a colleague’s is even broader. We often replace his \$2 words with something less recondite (look it up), because we’d prefer readers not set aside *mg* to track down a definition.

Simple words sometimes are better. That is, until well-intentioned people with laudable goals try to tame a recalcitrant beast like the English language.

Consider, for example, a recent seminar during which panelists urged the media to refer to a certain controversial plant as cannabis and *only* cannabis. Using any other term, they explained, perpetuates stigma and stereotypes. While I appreciate the argument, I’m not sure it’s wise—or even a fruitful approach. Might we not get further faster by demonstrating the stigma and stereotypes are invalid than by trying to force an unwilling public to wipe a laundry list of euphemisms from its collective vocabulary?

Cannabis opponents are unlikely to be swayed by terminology alone, so employing wordplay to reorient the dialogue seems pointless. Cannabis enthusiasts use vernacular like “weed,” “pot,” “maryjane,” and “herb” lovingly. Asking them to excise the terms from their lexicon seems almost cruel.

Legislators, philistines that they are, insist “marijuana” is the correct term. It’s codified in federal law, they point out. Trying to effect change in that quarter would be tilting at windmills.

As for journalists... We poor souls battle intransigent verbiage daily, toiling for clarity, conciseness, and verisimilitude. Would you additionally burden us with a sudden dearth of nouns? Imagine trying to be humorous or clever—“the Walmart of Weed,” for example—under the terms of semantic servitude.

And just imagine how many companies, products, and dispensaries would have to change their names! Who wants that on their conscience?

Instead of circumscribing a portion of the dictionary in our eagerness to reframe the discussion, let’s appreciate little victories. At least no one is required to use code like “tomatoes” or “tea” anymore, and very seldom does one run across “reefer” or “roach.”

A friend who served in the Marines is fond of interjecting a warning when he believes someone is veering toward triviality: “Pick the hill you want to die on.” Is semantics really the hill on which the industry wants to die? Seems to me there are bigger battles to fight.

Kathee Brewer



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[www.mgretailer.com](http://www.mgretailer.com)  
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# NEWS BRIEFING



## Canadian Companies Target U.S. CBD Market

VANCOUVER, Canada — CannAmerica Brands Corp., MD Strategies Corp., and CBDistribution Company Ltd. have formed a joint venture to produce and market CBD isolate in the United States. The joint venture allowed the companies to purchase 80 percent of the extraction contracts belonging to Z3 Sciences LLC for USD \$42.25 million.

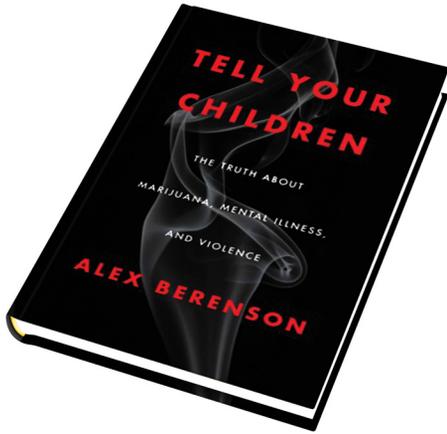
Z3 will continue to produce the isolate at its Colorado facility.

Invictus will provide financing, CannAmerica will provide extraction and post-processing expertise, and CBDistribution will source and procure hemp biomass in addition to providing

branding, marketing, and sales of the finished product.

According to a statement distributed by the joint venture, “the current wholesale cost for CBD isolate is in the range of USD \$5,000 to USD \$7,000 per kilogram. Z3’s existing extraction contracts range from USD \$20 to USD \$30 per input pound of hemp biomass plus USD \$1 to USD \$2 per finished gram of CBD isolate. The current facility has the capacity to process up to 50,000 pounds of hemp biomass per month with a yield of approximately 2,500kg of CBD isolate per month.”

[CannAmericaBrands.com](http://CannAmericaBrands.com), [Invictus-md.com](http://Invictus-md.com), [Z3Sciences.com](http://Z3Sciences.com)



## ANTI-CANNABIS BOOK RAISES RUCKUS

Former *New York Times* reporter Alex Berenson's *Tell Your Children* asserts "today's much more powerful and available pot is leading to psychosis and violence."



## MICHIGAN CLARIFIES CBD'S STATUS

Legislators said consumers do not need a medical card to purchase hemp-derived products, overriding regulators' position on the matter.



## FLORIDA REVERSES COURSE ON FLOWER

If the legislature doesn't repeal a smokable-weed ban, new Governor Ron DeSantis will do it himself by declining to appeal a court decision calling the ban unconstitutional.

## OREGON MULLS STATE-TO-STATE EXPORT

Faced with a continuing overabundance of bud, Oregon legislators are considering a bill that would allow growers to ship crops into neighboring states.



## INVESTORS SUE MEDMEN

Two early investors allege the company breached fiduciary duty and engaged in "retaliatory actions" when the investors tried to exercise contractual equity rights.

## CRIMINAL CASE SOURS FOR SWEET LEAF OWNERS

Two years after raids on the Colorado dispensary chain, the three men at the top pleaded guilty to racketeering and illegal distribution charges.

## JOE MONTANA SUITS UP FOR CALIVA

The Hall of Fame quarterback contributed to a \$75-million investment the company will use to expand its product line and open more dispensaries.

## CBS NIXES SUPER BOWL AD

The network denied Acreage Holdings the opportunity to spend \$5 million to reach an estimated 100 million viewers with a thirty-second message about cannabis's medicinal benefits.



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# Israel Greenlights Medical Export

**JERUSALEM** — The Israeli government in late January approved worldwide export of medical cannabis, following the Knesset's unanimous passage of legislation and regulations in December. Already well-known for cultivation and extraction technologies as well as clinical research and development, the country is eager to capture a significant portion of a global medical market Energias Market Research estimates will be worth USD \$28 billion by 2024.

Israeli politicians and business leaders lauded the move as a savvy play that very well may catapult the country into a dominant position in the global supply chain. The economic potential is enormous, according to the Ministry of Finance, as exports could add between 1 billion and 4 billion shekels to tax revenues annually. According to the Ministry of Agriculture and Rural Development, Israel's climate, combined with forward-thinking regulation, research and development, and clinical experience, establish an environment ripe for development by foreign and domestic entrepreneurs and investors.

Eight companies held cannabis cultivation licenses January 1; by the end of the month, dozens more had applied.

29

European countries have legalized medical cannabis.

20

European countries have decriminalized recreational cannabis use.

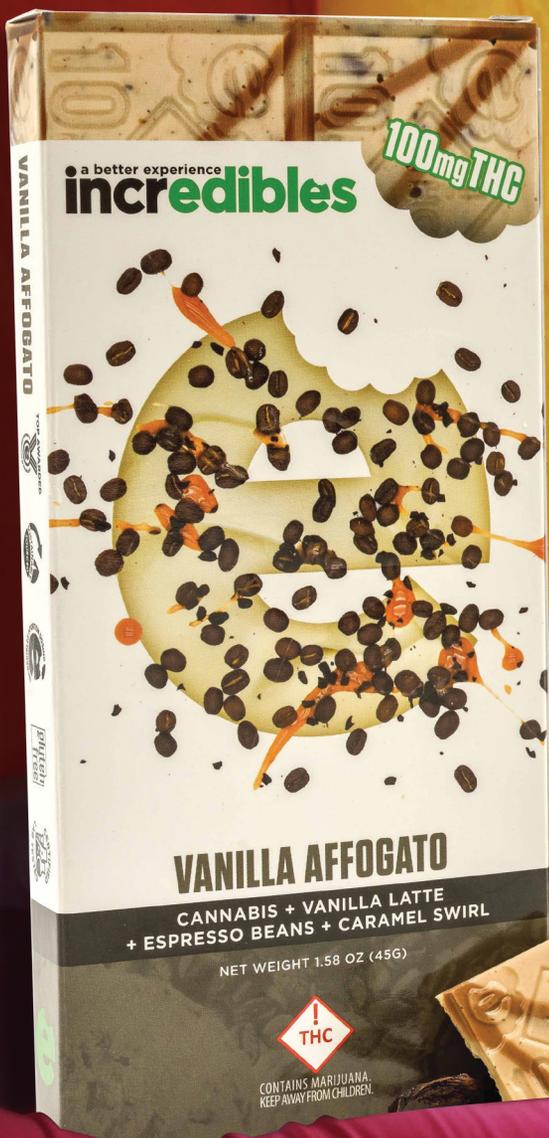
60

Number of conditions qualifying for cannabis treatment in the U.S.

50

Countries worldwide regulate medical marijuana.

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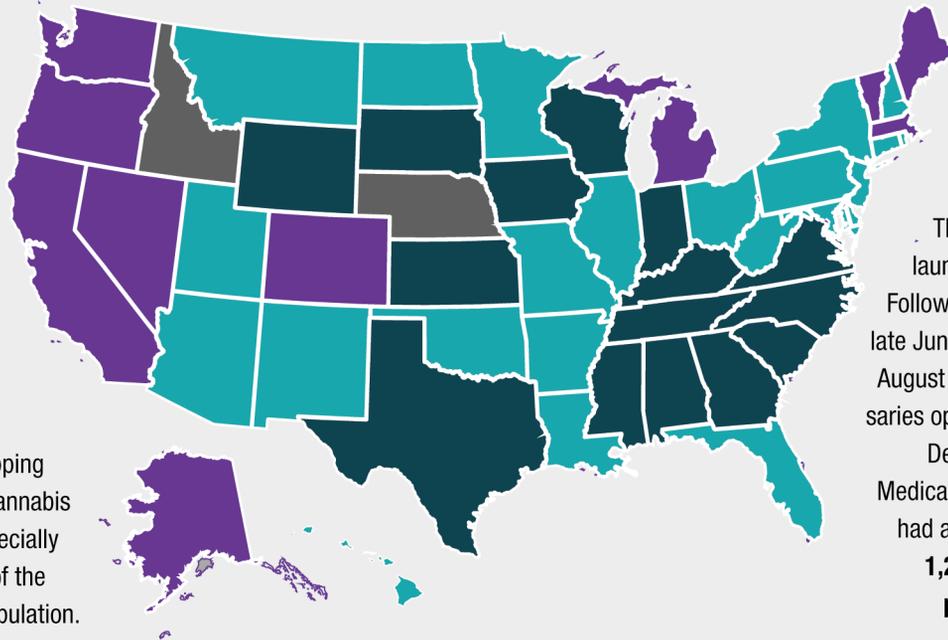
# The State of Legal Marijuana Markets 2019 Update

## A SAMPLING OF KEY REPORT INSIGHTS



### US 2018 Legal Status

- Adult
- Medical
- CBD
- None



Nevada saw jaw-dropping first-year adult-use cannabis sales—**\$425M**—especially considering the size of the state’s year-round population. (Tourism!)

The Oklahoma market launched in record time: Following voter approval in late June, licensing began in August and the first dispensaries opened before EOY. By Dec. 24, the Oklahoma Medical Marijuana Authority had approved licenses for **1,284 cultivators, 336 processors and 799 dispensaries.**

**\$2.5  
BILLION**

Due to licensing and testing issues that arose in California in 2018, the state is on track to be the first in the U.S. to actually shrink legal spending **(from \$3B to \$2.5B)** in its first year of adult-use legality. The result surprised many in the industry.

**2019  
\$17 BILLION**

Worldwide spending on cannabis is forecast to **grow 39.1% to \$17 billion in 2019** – fueled by the addition of new markets across the U.S. and abroad and increases in the percentage of adults imbibing as public attitudes about cannabis consumption evolve.

**\$1.25  
BILLION**

After years of double-digit increases in spending on legal cannabis, growth in Colorado slowed to single-digits in 2018. Medical cannabis sales are forecast at \$333M (down 20% from 2017) and **adult-use sales at almost \$1.25B** (up 12%).



This infographic was created exclusively for **mg Magazine** readers

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These insights are featured in *The State of Legal Marijuana Markets, 6th Edition - 2019 Update* report

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## EVENTS

# MARCH 2019 EVENTS SCHEDULE

*The following is a list of select industry events taking place during March 2019.*

### GREEN GROW EXPO MARCH 2-3

*OK Expo Hall at OKC State Fair Park,  
Oklahoma City*

A plant-centric expo covering both medical science and business, Green Grow combines expert speakers in back-to-back days of education, information, and networking. Sessions address how to grow and process the plant and using specific strains to alleviate different ailments.

**GREENGROWEVENTS.COM**

### MISSOURI CANNABIS BUSINESS CONFERENCE MARCH 11-12

*Union Station Curio, St. Louis*

Learn about the newest trends, equipment, and technology for cultivation, extraction, testing, dispensing, and transportation. Speakers include legal, banking, security, real estate, design/build, greenhouse, lighting, license application, IT/POS, operations, insurance, retail, and marketing professionals

**MOCANNBIZCON.COM**

### WORLD CANNABIS CONFERENCE MARCH 14

*Auditori de Cornellà, Barcelona, Spain*

Hosted in association with Spannabis, WCC allows networking with global heavyweights in the cannabis space. This edition of the conference will introduce the International CBC 20,000 Euro Pitch, offering prize money and international exposure for the winning innovator.

**INTERNATIONALCBC.COM**

### CBD EXPO MIDWEST MARCH 15-16

*Marriott Center, Indianapolis, Indiana*

More than seventy exhibitors and a lineup of speakers and workshops addressing CBD 101, CBD applications, medical advancements, and industry trends will greet CBD Expo Midwest attendees.

**CBDEXPO.NET**

### SPANNABIS XVI MARCH 15-17

*Fira de Cornellà, Barcelona, Spain*

Recently acquired by Hightimes Holding Corp., Spannabis XVI will offer scientific, medical, and political education; exhibits for consumers and professionals; and networking opportunities. In addition, a musical program will feature DJs and acts performing primarily dub and reggae selections.

**SPANNABIS.COM**

### NECANN MARCH 22-24

*Hynes Convention Center, Boston*

More than 10,000 entrepreneurs, investors, educators, patients, advocates, and consumers are expected to attend New England Cannabis Convention, which will offer more than 350 exhibitors and four programming tracks featuring 100 speakers. The first day's focus is 100-percent B2B.

**NECANN.COM**

### NOCO HEMP EXPO MARCH 29-30

*Crown Plaza Denver International  
Airport, Denver*

The sixth annual business conference and farm symposium expects more than 225 exhibitors and will offer science and technology workshops designed for domestic hemp farming, processing, manufacturing, and marketing professionals. A "pre-conference day" on March 28 will focus on hemp investment.

**NOCHEMPEXPO.COM**

### INTERNATIONAL CANNABIS BUSINESS CONFERENCE MARCH 31 – APRIL 2

*Maritim ProArte Hotel, Berlin*

ICBC Berlin promises networking with investors, professionals, and thought leaders from more than sixty countries in addition to the latest information about the European cannabis industry. Cannabis researcher Dr. Raphael Mechoulam will deliver the keynote address.

**INTERNATIONALCBC.COM**



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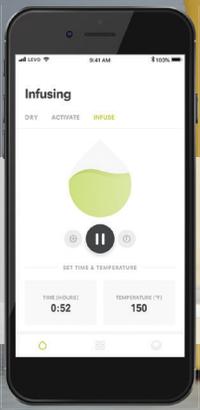
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## A NEW LEVEL OF DISPENSARY DESIGN

At Level Up's Scottsdale location, The High Road Design Studio combined classic and industrial-chic for a one-of-a-kind environment that is both relaxing and inspiring. Puckered upholstery, calming green, gray, and brown tones, and curvilinear accent pieces soothe the senses while clean, crisp lines and shiny metal invite curiosity.

# In Branding and Marketing, Expertise Counts

*Don't go to a grocery store for dental work.*

BY RANDALL HUFT



I RECENTLY was listening to an investors conference call for a large company in the cannabis sector when suddenly I had an epiphany.

I have a great deal of respect for this company and its management, and they have built one of the most impressive businesses in the industry. They started out with just a few simple products and now supply a range of items. They've become a "one-stop shop" for their customers.

During the call, management repeatedly spoke about creating "sticky" relationships with customers, saying the approach helps create an environment for sales success across the company's many product lines.

I started to think about this. The company's management, whom I hold in the highest regard, aspires to become the Walmart of the cannabis industry. And I think they will succeed.

There is nothing wrong with wanting to be the Walmart of the cannabis industry. Clearly, it's a lofty goal and will enrich the company and its shareholders. For reference, Walmart is not only one of the largest companies in the world, but also a leader in many product categories: It is a leading clothing store, top jewelry chain, major pharmacy, and category giant in groceries, toys, automotive, and electronics. The fact is, Walmart is a leader in many categories...and my smart friends leading that investor call seem to be emulating that business model.

To be clear, the management of the company never compared themselves to Walmart or made any references of any kind to the retail giant. This comparison exists solely in my mind. But, like Walmart, they have a good grasp on their goals, believe they understand a consumer segment, and their marketing

efforts are focused. They've set themselves up to succeed.

But hearing about how they intend to be leaders in several different categories did get me thinking about that business model. As I said, the approach will enrich the company and its shareholders, but what about all the other potential customers who don't want the "Walmart experience?" Millions of people don't shop at Walmart because they want something a little more upscale, be it luxury-level products, a higher level of service, or increased expertise.

There are many things I happily would buy at Walmart, such as consumer packaged goods like laundry detergent, toothpaste, shampoo, and so on. But I don't think I would buy jewelry at Walmart. I'd want something more upscale.

So, for many in the cannabis industry the question is this: When do you go to a

# CUSTOMIZABLE EQUIPMENT

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•US Patent 8,863,947 B2

•US Patent 9,878,821 B2

•US Patent Pending CPSC 16 CFR part 1700.20

•Child Resistant Lid Patent Pending: Pub #US-2017-0355-495-A1

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one-stop shop and when do you turn to an expert?

In my mind, the answer is about the product: Is it an off-the-shelf item, or does it have to be created in small batches by experts? If the product comes off the shelf, like a bottle, glass jar, or business card, then there is no reason not to purchase from the one-stop shop.

However, if achieving your goals means you need something that requires special expertise—such as accounting, legal advice, business planning, public relations, marketing, branding, graphic design, photography, or custom packaging—then an expert is your best choice.

The problem arises when superstores attempt to offer services with which they have little or no professional experience.

I wouldn't go to a grocery store for dental work, and I have a hard time believing the Walmarts of the world can offer high-level services that require experts with years of experience. They can sell me items off the shelf, but please don't try to sell me brand strategy and graphic design.

In the cannabis industry, there will continue to be a market for smaller companies with expertise in critical areas, like lawyers, medical professionals, accountants, business consultants and analysts, all branding, marketing, and packaging services.

The challenge is that technology seemingly is leveling the playing field. Nowadays, everyone with a computer can create graphic designs and collateral materials. Everyone with a camera fancies himself or herself a photographer. But do they have foresight and ability to innovate in ways that capture the imagination and create consumer desire so strong it can't be ignored? Do they have the skill to help create the personality a company wants to convey and then maintain the company's hard-earned reputation?

The reality is, it takes much more than a computer program to become a professional designer and more than a high-powered camera to become a professional photographer. While the



MOST OFTEN, BREAKOUT BRANDS ARE THE RESULT OF SIGNIFICANT PLANNING AND EXPERT EXECUTION IN EVERYTHING FROM STAFFING TO PRODUCT CREATION AND, YES, BRANDING AND MARKETING.



tools of the trade may be purchased by anyone, years of training and experience stand behind true experts.

While a one-stop shop may have an arsenal of computers in its offices, it may not have the best graphic designers or marketing experts or brand-building strategists on staff. In fact, most experts would prefer not to work at a Walmart-

type company that is known for being a jack-of-all-trades but master of none. And that's okay if a company aspires to be Walmart. Obviously, there's significant charm in the "something for everyone" approach, and there's certainly a consumer market for goods and services at an affordable price.

But not everyone wants to be Walmart, and "big box" tactics usually aren't appropriate for upmarket goods. Those companies shouldn't try to compete with Walmart, attempting to create a luxury brand on the cheap and hoping customers will be impressed anyway. The phenomenon happens, but rarely. Most often, breakout brands are the result of significant planning and expert execution in everything from staffing to product creation and, yes, branding and marketing.

Invest in the image you want to create. Invest in packaging, brand-building, and marketing, whether the experts are in-house or at a professional partner. There are plenty of consumers who recognize and demand the type of quality you can deliver. Make sure they know it's available. This alone will separate you from the giants that try to be everything to everyone.

Yes, many consumers like the convenience of one-stop shopping and the budget-friendliness of midmarket brands. But there also are many who seek luxury products and services. Whatever your brand aspires to be, make sure you employ the right people to convey the right message. 



**RANDALL HUFT** is president and creative director of the Innovation Agency. He discovered what works, what doesn't, and what steps must be taken to achieve sales goals and gain market share while working with blue-chip companies including AT&T, United Airlines, IBM, Walgreen's, American Express, Toyota, and Disney. [Inov8.us](http://Inov8.us)

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Photos: Greenlane

# Creating Corporate Culture

*How Greenlane sets the tone for a harmonious environment.*

**A**CCORDING to Simon Sinek, corporate culture guru and author of *Start With Why*, “Your company doesn’t have a culture. It *is* culture.” With that in mind, business leaders and human resources professionals should ask themselves a number of questions as they evaluate whether the environment at their company reflects the corporate culture they intend to create. First of all, what is the ideal culture—the way employees interact with each other and customers—at *their company*? Does the company have the resources to create that experience? Is management devoted to maintaining the environment?

## BEST FOOT FORWARD

Sasha Kadey, chief marketing officer for smoking accessories distributor Greenlane, has taken Sinek’s advice to heart. Kadey arrived in the cannabis sector after many years of success in the beverage alcohol and beauty industries. His expertise goes beyond elevating brands and tapping opportunities in the marketplace to building solid corporate cultures. His first step at Greenlane was ensuring management dedicated significant effort and resources to cultivating a unique, vibrant, accepting culture.

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“Greenlane is a place where people can be their authentic selves all the time,” Kadey said. “We are proud of the hard work we put in and the results we deliver. Greenlane isn’t a monoculture—we are a strong, creative team that is goal oriented.”

Greenlane has garnered a reputation for friendliness and cooperation. The company employs more than 250 people in offices and distribution centers in Florida, California, Toronto, and New York. Open-plan workspaces at each location contribute to a cohesive culture by encouraging communication and collaboration across all teams and departments. “We are open and transparent,” said Kadey. “We set expectations together and, as a result, our team is more dedicated to their work and progress.”

**BUILDING A TEAM**

Finding the right employees is first and foremost on Greenlane’s human resources agenda. When recruiting, the company looks for talent, intelligence, and candidates who are the “right fit.” Kadey likes to quote Jim Collins, author of *Good to Great*: “If you have the right people on the bus, the problem of how to motivate and manage people largely goes away. The right people don’t need to be tightly managed or fired up.”

By adhering to this advice, Greenlane has attracted productive, hard workers who also like to have fun. “You must have fun while you work hard, because that’s the only way to make the volume and quantity of the work we do bearable,” Kadey said. “It’s important for Greenlane’s employees to be a cultural fit for our mosaic melting pot.”

The philosophy also has helped the company retain talent. By creating a corporate culture that identifies, spotlights, and rewards achievements, Greenlane encourages loyalty and best efforts, Kadey said. The company also offers rich compensation and benefits packages tied to the success of the organization. “We continually look



“EVERYONE IS  
A UNIQUE PERSON  
WITH UNIQUE MOTIVATIONS  
AND PSYCHOLOGIES.  
THE BEST WAY  
TO GET TO KNOW  
YOUR EMPLOYEES  
IS TO SPEND ONE-ON-ONE  
TIME WITH THEM.”

—Sasha Kadey, chief marketing officer, Greenlane

for ways to improve that,” said Kadey. “We try to establish career paths and create opportunities for advancement. We do everything the big companies in Silicon Valley do to retain employees, but the most important thing we do is communicate directly with our employees.”

**KEEP IT FRESH**

Having been part of many different corporate cultures, Kadey said there is no cookie-cutter approach to creating and maintaining employee morale. “Everyone is a unique person with unique motivations and psychologies,” he said. “The best way to get to know

your employees is to spend one-on-one time with them to understand their unique set of motivations. Then you can address their individual needs and help develop a career path that caters to their singular needs.”

Kadey finds asking employees about their goals and plans is an effective way to understand their psychology. He has seen too many managers fall victim to viewing everything through their own perception, thinking things that motivate them also will motivate their employees.

Another pitfall, he said, is failing to see the forest for the trees. “You shouldn’t spend time doing all the things you hear Google and Facebook do,” he said. “When you do that, you miss the more important basic things people often take for granted—things like communicating openly with staff, making sure they don’t feel like just a cog in the wheel, that they feel like they are part of the bigger picture and understand how what they do makes a difference to your success.”

**KNOW YOUR VALUE**

According to Kadey, the number one thing most employees want to know is how *they* fit into the bigger corporate picture. “They want and deserve communication and transparency; to know how they fit in and how their contributions matter,” he said. “Nobody wants to feel like they are just along for the ride.”

He advises not taking employees’ reports about company morale at face value. Often, he said, employees will pacify managers or simply give a non-committal response. The best way to gain insight about the mood of your company is through anonymous feedback or trusted confidantes who will tell the truth. “Don’t think just because you go and ask employees for their opinions that they aren’t going to sugarcoat it for you,” Kadey said. “Don’t be walking around naked, literally and figuratively.”  —Rob Hill

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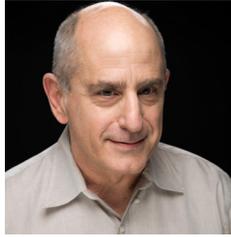
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TOM HYMES

# Trolling the Trolls

*2019 is shaping up to be a year of trolling, tipping points, and Trump.*

The initial dust-up over author Alex Berenson's *Tell Your Children: The Truth About Marijuana, Mental Illness, and Violence* has subsided, but no one should expect Berenson or the subject of cannabis as potentially harmful to disappear, nor should they. Cannabis is a mostly benign but powerful plant that can engender strong feelings in people who use it and those who do not. This fact was anticipated by Berenson, who wrote in a Fox News opinion piece following the release of his book, "I knew that writing a book that suggested marijuana was not a cure-all medicine, and that cannabis may even cause psychosis and violence, would cause blowback from cannabis users, the people who profit by selling to them, and drug legalization advocates.

"But the intensity of the anger—and their speed with which advocates have moved to attack a book that many have not even read—has been shocking," he continued. "Cannabis advocates appear unwilling to accept anything less than full national legalization of cannabis—even if they must downplay or hide the drug's very real mental health risks, and overstate its potential medical benefits, to do so."

This is adept trolling, including as it does the implication anyone in support

of cannabis agrees with the unlikely premise it is a "cure-all medicine," but not the suggestion cannabis "may even" cause psychosis and violence. A rhetorical device designed to make one side look



CANNABIS IS  
A MOSTLY  
BENIGN BUT  
POWERFUL PLANT.

irrational and the other sensible, it works if used without any measure of doubt, as Berenson does in his ongoing effort to cast himself as an *agent provocateur* of the truth about cannabis.

In other circles, however, the same tactic is called marketing, and Berenson should feel right at home in the burgeoning corporate cannabis industry, where unprecedented opportunity has resulted in a green rush of exaggeration sprinkled with fact for the sole purpose of grabbing your attention, your wallet, or both. One almost gets the sense Berenson felt the need to meet excess

with excess in order to be heard, which may be true. As far as I'm concerned, he's free to indulge his excesses all he wants. This, after all, is the age of excess, and it is precisely excess—of greed, mostly, but also some compassion—that is pushing cannabis over the tipping point. Good luck trying to stop it, considering the real possibility 2019 could be the year when one man's political ambition marks the end of the federal prohibition of cannabis.

If Trump does try to gain votes by legalizing cannabis, expect the arguments for and against it to reach a fever pitch. As the first to sound a clarion call of the new era, Berenson's warnings will be raised time and again. In that eventuality, however, he will find himself duking it out with a Wall Street already too high on the prospect of massive cannabis margins to care about the risks.

Off to the side will be the authentic cannabis people, whose actual attitude toward the plant will remain a mystery to both the anti-cannabis and corporate types. That is a shame, because few people understand the true risks and rewards of cannabis better than the very people who know how to use it responsibly. 

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TOM HYMES is the founding editor of *mg Magazine*.

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# A Cannabis Dispensary Evolution, by Design

BY MEGAN STONE

**S**OMETHING IS HAPPENING. Are you paying attention?

So, here we are in the twenty-first century, in a global marketplace and an era where design impacts everything around us. And better yet, we are here talking about dispensary design. As in *cannabis* dispensaries: pot shops, collectives, and the like. I don't know about you, but I sure as hell didn't see this all coming five, ten, or thirty years ago.

"This" being legal cannabis. "This" being an open, public, professional dialogue about designing stores where people go to buy weed. "This" being a legitimate global industry born out of decades of lies about a plant, of propaganda about its effects, of stereotypes of its users, of underground societies, of black-market systems, of a drug war that has failed so miserably to do anything it set out to do.

This is an opportunity to erase the human error of cannabis prohibition. A plant that was unjustly removed from the pharmacopeia, and its benefits nearly erased from the memory of society. A plant that throughout human history has been a healing medicine, a spiritual vehicle, and even a sustainable building material. A plant that, when used properly, brings better health, a more conscious mindset, positive thinking, and a deeper connection to the world around us.

This is an opportunity to bring an ancient remedy back into our collective conscious; back into our bodies and minds. The same bodies and minds that are screaming at us, begging us to stop harming their chemistry with our pharmaceuticals, petrochemicals, and overly processed and genetically modified foods.

This is a paradigm shift, a fundamental change in thinking. And every single person who has risked freedom, acceptance, reputation, and relationships, every single one of us who is playing a role in helping the cannabis plant and its users step out of the shadows of society and into a legitimate existence in our communities and our store environments and in this magazine today, is a hero—a *hero*.

By being cannabis retailers, you are the threshold to true social change and enlightenment.

You sell hope. You sell joy. You sell peace, purpose, and identity. You give people community.

You give people their health back, their quality of life back, and their integrity back. You save lives.

Cannabis isn't like other products, other medicines, other substances, or other business models, and this is where we as dispensary operators and designers can

seize a once-in-a-lifetime opportunity. Whether medical or adult-use, in highly regulated markets or in states of great acceptance, those with licenses backed by millions of dollars and boards of directors or mom and pop shops paying for everything with their own life savings, design and retail planning is now more than ever playing a role in how dispensaries are integrated into the community and how they thrive as successful businesses.

In five years' time, I have played a bit of a role in making "dispensary design" a Google search term. I have dedicated my business and my life to reinventing the cannabis experience and redefining how society views cannabis users through dispensary design for retail brands across the United States. As such, I am unbelievably honored to be part of *mg Magazine's* design issue.

That is right: There is so much to celebrate in the world of dispensary design that a whole issue now can be dedicated to achievements and trends. Dispensary owners are being educated about the power of design, and some have seen firsthand how brand identity, effective space planning, and visual merchandising impact customer behavior and loyalty. They want to

learn more about construction, security design, and planning for privacy and discretion. They are digging deeper into consumer behavior, digital tools, and marketing strategies.

This is the biggest thing happening in retail today. If you don't believe me, just Google it. There are more examples of successful, well-designed dispensaries than ever before in history. This design issue proves it.

We must continue to create a road to a deeper, more meaningful connection to cannabis. This is our opportunity to re-write history. So, pay attention. Something is happening, and we are just getting started. 



*MEGAN STONE is founder and owner of The High Road Design Studio. A disruptor, innovator, and entrepreneur, she has helped arm cannabis*

*retailers with the power of design to combat stigma, overcome stereotypes, and reinvent people's perceptions of cannabis and its users. Her award-winning work has helped usher dispensaries onto Main Street and into the mainstream, and has forever changed the international conversation about the retailing of "vice." HighRoadStudio.com*



# Patient Sanctuary

*Salvera's form and function meet the needs of a diverse population.*

**W**RIGHT WELLNESS GROUP President Bridget Spruill knows a challenge when she sees one, and she certainly saw one in a nondescript bank building steps away from the Bowie Town Center mall in Bowie, Maryland. To create the Salvera dispensary in the space, “we almost had to tear it down to the studs and start from scratch,” she said. “But we were able to keep a few cool design elements, like the amazing vault with spindle-wheel-handle doors. Our vault is like Fort Knox.”

The design process began with a series of conversations between Spruill and Megan Stone, principal and creative director for The High Road Design Studio. They talked about “warmth,” “comfort,” and “professionalism,” about creating a place patients would enjoy visiting and where employees would enjoy working. Stone suggested developing warmth by combining dark hardwood, rich textures, elegant tile work, and sophisticated architectural details with black metal accents. Handsome marble and high-end fixtures add splashes of professionalism and class.

The process wasn't all warm and fuzzy. The millworkers Spruill chose took sixty days to complete a project they guaranteed they'd finish in thirty. “Because so many other things hinged on the placement of those units, their delay set the whole project back by almost two months,” she said. In addition, the minute Salvera's doors opened, Spruill had to terminate the dispensary's manager and correct an entire inventory of mispriced items in the point-of-sale system.

Now that all the irritations are behind her, Spruill admits the 2,800-square-foot shop turned out better than she could have dreamed.







### LOBBY

“Our lobby is the first thing you see when you walk into the dispensary, so we wanted to make sure it represented our best,” Spruill said. The room is awash with natural light and tranquil colors. “When the display room is at capacity and patients have to wait until they can be helped, the lobby area is a place where they hopefully won’t mind waiting,” she added.

“The lobby offers a cozy, residential appeal,” said Stone. “Dark hardwood floors are accented by inlaid sections of elegant, water-jetted mosaic tile. Armchairs and stools in a combination of leather and velvet brand-colored upholstery provide comfortable seating. Display shelves, a magazine rack, and a digital screen support education and entertainment while patients wait.”

### COLORS

Spruill was adamant the color scheme replicate the calming green and blue hues in Salvera’s logo. Suspecting many of Salvera’s patients would suffer from PTSD, anxiety, epileptic seizures, and chemotherapy, she didn’t want overpowering or jarring visuals. The goal was to create a space in which patients immediately felt relaxed and comforted by their surroundings. Stone said the “deep, saturated colors boldly yet tastefully punctuate the space.”

### CONSULTATION ROOMS

Salvera’s two consultation rooms are separated from the rest of the interior spaces by frosted glass walls and sliding doors. “Each room has a small, round table, four chairs, and one wooden wall

display unit for product demos, literature, and a TV monitor,” Spruill said. “As a dispensary that has adopted a true medical model of dispensing cannabis, we require all new patients to meet with our medical staff so we can better understand their level of need and determine how best to assist them.” The consultation rooms also serve another purpose: Spruill has used them for small pop-up shops in which growers may showcase new products.

Stone loved the challenge of creating the rooms. She elected to place the rooms along the building’s exterior walls to draw in daylight, “which puts patients at ease while providing enticing views of the street.”

### MERCHANDISING

Salvera uses wall displays and rolling table displays to showcase products.



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Debby Goldsberry, Executive Director, Magnolia Wellness



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“Patients love that they can walk into the dispensary and see all our product offerings at once,” Spruill said. “The display wall is great for that. It makes the dispensary look clutter-free yet well-stocked.”

Stone pointed out the four floating cases on casters can be repositioned as needed, supporting flexibility on the retail floor.

### PATIENT-FRIENDLY

Spruill insisted Salvera be patient-friendly and efficient. “An effective use of space to ensure we maintained compliance with state law, but without being overcrowded or inefficient, was certainly the goal,” she said.

Nothing expresses the concept more than Salvera’s checkout area. The long wrap-desk area houses up to eight POS systems, only five of which are currently used to serve the shop’s average forty to forty-five patients daily. Four of the units address regular customer traffic, and one is devoted to express checkout for online orders picked up in-store. Orders fulfilled in the back are passed through clandestine drawers in the wall for



AS A DISPENSARY THAT HAS ADOPTED A TRUE MEDICAL MODEL OF DISPENSING CANNABIS, WE REQUIRE ALL NEW PATIENTS TO MEET WITH OUR MEDICAL STAFF SO WE CAN BETTER UNDERSTAND THEIR LEVEL OF NEED.

—Bridget Spruill, president,  
Wright Wellness Group

operational efficiency, allowing staff to securely complete orders. “A covert door in the feature wall provides a passageway for employees without disrupting the visual impact of this focal point,” Stone explained. “The deeply saturated brand colors used on the feature wall

and transaction counter ground the space, while the wainscoting detail of these surfaces creates a sophisticated residential appeal that makes the space, and the team, feel approachable.”

### DEMOGRAPHIC CONSIDERATIONS

Because of its location within five square miles of eleven eldercare facilities, Salvera intentionally was designed to serve seniors. “The early conversations with Megan always centered around what we needed to make our elderly clientele feel comfortable without offending or turning off our younger patients,” Spruill said. The dispensary installed stable armchairs instead of trendy stools so patients could stand more easily. Wide passageways and walkways provide ample space for wheelchairs and walkers.

The design has worked exactly as intended. “Fifty-seven percent of our patients are over the age of 65, and 70 percent of our patients medicate with cannabis for pain-related issues,” Spruill said. All of them, she added, feel right at home and well-cared-for. 

—Rob Hill





# Perfecting Humidity, One Packet at a Time

*Boveda backed into the industry with a mainstream product, and customers quickly became fans.*

BY CHRISTOPHER JONES

**B**EFORE the legal cannabis industry set up shop, buying weed was a hit-or-miss experience: One never could be sure about a strain’s identity, much less where it was grown or how far it had traveled. More often than not, flower was dried out and harsh when smoked. So, users came up with all manner of creative do-it-yourself solutions to re-humidify their bud: orange peels, tortillas, wet paper towels. What could go wrong?

Maybe it didn’t matter so much when people were smoking low-grade weed, but now that boutique flower costs up to \$20 per gram, growers and buyers think less about orange peels and more about relative humidity and the science behind flower preservation.

That’s how Boveda, a humidity-control company founded in 1997 in Minnetonka, Minnesota, found itself unexpectedly introduced to the cannabis industry.

“Cannabis found us before we found the cannabis industry,” said Dan Cleveland, vice president of marketing. Cannabis companies began using Boveda’s 65 RH packs, originally designed for cigars, to preserve their flower and business took off from there.

“It took us a year to realize what was happening,” he said. But when they realized the opportunity and potential, the research and development teams ramped up. Now, products designed for cannabis are the fastest-growing part of Boveda’s business.

## THE SCIENCE BEHIND RH

The core of Boveda’s business is its patented two-way humidity-control packs, which are used to keep wooden instruments, electronics, food, cigars, and herbs, among other things, in optimal condition. The company sells a variety of different packs, each engineered to maintain a specific humidity level (from 13 percent to 97 percent) and sized according to the amount of material they will be used to regulate.

Boveda holds a patent for its product design, a saturated solution of pure water and natural salt contained within a water-vapor-permeable “reverse osmosis” membrane. The product maintains a predetermined level of relative humidity (RH) by releasing or absorbing purified water vapor through the membrane.

“Keeping cannabis between 55 percent and 65 percent RH levels optimizes the efficacy, flavor, aroma, and taste of the flower,” explained Vice President for Research Robert Esse. “Science has shown when cannabis is stored within these proper humidity levels, flower can achieve up to 15

percent more terpene retention.” One of the ironic consequences of storing cannabis flower in optimal conditions is the terpenes don’t release their magical aromas as soon as the jar is opened, but only later when they are ground up.

### KEEPING FLOWER FRESH AT RETAIL

In order to evaluate the condition of cannabis available in legal retail stores, Boveda conducted research in Palm Springs, California; Denver; Las Vegas; Phoenix; and Portland, Oregon, buying thirty-five samples of flower off the shelf at randomly selected dispensaries. The company measured the water activity level of each sample and found most were underweight and under-humidified. Only 9 percent of the entire sample set was sold at optimal conditions, and 74 percent experienced a 2-percent decrease in sale weight.

“We are still in infant stage with research and figuring out the dynamics of curing and the science of long-term storage,” said Cleveland. “The basic things we are still learning, like what happens to terpenes and cannabinoids over time, will help us figure out the optimal way to maintain flower post-harvest.”

A common complaint across cannabis-legal states is delay in the supply chain, which can occur for any number of regulatory or logistics reasons. Boveda’s team believes the company’s products can help mitigate such problems by keeping products as fresh as possible for extended periods of time. How long that is, and how effective the products are, is a work in progress.

Phil Seda, chief executive officer for Seattle-based craft cannabis cultivator Sky High Gardens, said he was an early adopter and partner with Boveda. His company grows top-shelf exotic strains with complex terpene profiles and aromas that he’s determined to preserve all the way through the supply chain.

“If you have perfectly dried and cured bud, you don’t need (RH) packets right away, but as soon as we sell it to retailers, it’s beyond our control,” he said. “So, putting that Boveda pack in each unit

ensures the customer will be happy with what they receive.”

As a high-end indoor grower, Sky High Gardens always is looking for ways to add value to its products, Seda explained, such as curing flower in glass with Boveda packets for six weeks before the product is shown to retailers. After the flower is sold, he said it can take anywhere from two weeks to six months for stores to sell the entire batch. “The packets do a great job of maintaining the right humidity, which helps with a lot of things, including aroma, terpene preservation, and a smooth burn,” he said.

Boveda has done preliminary studies to measure terpene and cannabinoid retention, and Cleveland said tests show with the appropriate humidity level, volatile terpenes won’t escape, instead remaining encased within the flower. “We are developing tests to determine

what natural degradation looks like and what are the terpene changes with humidification,” he said. “How do you retard that natural degradation?”

For a company that backed its way into the cannabis industry, Boveda since has embraced the community and now devotes most of its research-and-development budget to discovering everything it can about the composition and degradation of the plant’s complex chemical compounds. For that, its customer base of growers, retailers, and flower aficionados is grateful.

“Cannabis is a much different marketplace than our other customers, but it’s very similar in one respect: It’s a passion play,” said Cleveland. “Our products allow people to enjoy and enhance their passions, and the cannabis crowd is certainly passionate.”

[BovedaInc.com](http://BovedaInc.com)



Photos: Boveda



Diego Pellicer

# Better by DESIGN

Experts discuss the extraordinary evolution of the cannabis dispensary. **BY ROB HILL**

**N**OT LONG AGO, cannabis dispensaries were functional but hardly stylish. Nowadays, poorly lit establishments selling “pot” from funky jars in shady parts of town are rare. And good riddance. As the industry sheds the trappings of yesteryear, the emergence of multimillion-dollar, award-winning dispensaries speaks volumes about where the cannabis industry is heading.

Megan Stone launched The High Road Design Studio in 2013 and has had a front-row seat to the extraordinary evolution of dispensary design. Stone, whose award-winning work can be seen in dispensaries across several states—Arizona, Texas, California, Oregon, Florida, Colorado, and Washington state—said comparing today’s design trends to what existed two years ago is like comparing “apples to oranges.” As the industry matures and brands begin to become powerhouses, retail brands and the way consumers experience them will drive new customers to shops and keep current customers coming back. “A well-positioned brand and a well-executed retail experience are sellable assets,” Stone said. “With the recent flurry of mergers and acquisitions taking place, we see examples of this in the market all the time.”





A WELL-POSITIONED BRAND AND  
A WELL-EXECUTED RETAIL EXPERIENCE  
ARE SELLABLE ASSETS.

—Megan Stone, founder and owner, *The High Road Design Studio*

### GOOD BUSINESS ALL AROUND

Stone said many of her clients are paying more attention to their back-of-the-house design and how products make their way from the vault to the exit. Increasingly, retailers want behind-the-scenes workspaces that support order fulfillment and efficient operations. “They also want space that can accommodate vendor meetings as well as provide opportunities for vendor pop-ups,” said Stone.

Having designed both medical and recreational shops, Stone has learned to appreciate their different needs. For example, when designing adult-use stores, the key often lies in creating a balance between appealing to the curiosity of those who have never visited a dispensary and creating efficiency for regular customers. “The [recreational] setting needs to accommodate browsing and encourage questions while also providing an easy way to navigate the showroom and purchasing process,” she said. When it comes to medical settings—where patients have gone through considerable effort to become qualified—they’re not visiting the store to shop but to buy a specific product. According to Stone, medical design is less about pulling people in and more about providing a fulfilling, painless experience.

In newer, medical-use-only states like Florida, Maryland, Texas, and Pennsylvania, where the primary products are extracts and concentrates, Stone’s clients focus on creating standard-setting retail experiences showcasing the positive impact a dispensary can have on the community. “They are demonstrating that this is a program for sustainable business and setting the stage for solid industry expansion and growth,” she said. “They also are positioning themselves for inevitable expansion and change in their



business—from medical to eventually adult. Designing a space that is relevant now without becoming obsolete in the future is a must.”

In many places, that future is now. Danielle Marzarella, vice president of business development at Toronto-based design firm SevenPoint Interiors, said clients are becoming more aware of the

importance of integrating branding into their store design and creating an “in-store experience.”

“Branding is not just a name or a logo,” she said. “It is a look, energy, and vibe created by good store design starting from the moment you stand outside the entrance to entering the lobby and then into the showroom. Owners are understanding

this concept and looking for creative ways to communicate their brand through education, technology, textures, colors, bespoke fixtures, visual merchandising, local town influences, and lighting.”

## LOBBY FOR A LASTING IMPRESSION

One trend that exploded in 2018 is interactive technology. By combining menus with marketing, education, and entertainment, interactive screens have become a must-have to create an experience that leaves a lasting impression. The effort begins with the lobby.

Once a simple, semi-sterile place to wait while passing time staring at a cell phone, the lobby now is part of the store experience. Lobbies give customers their first taste of a retail brand, so the spaces need to be heavy on the “wow” factor. “You want that first touchpoint to be a warm and inviting space that also offers creative and unique opportunities for visual merchandising and education of what lies ahead in their journey,” said Marzarella.

Stone agrees, adding the lobby represents a great opportunity to show the general public just how “dope” a dispensary is. “No matter the size, the lobby is the threshold to shopping in your store—and an opportunity for really great design touches,” she said. “The lobby is all about branding yourself to near shameless proportions and taking the wait out of waiting. Lobbies are a chance to educate, entertain, and engage. This is the place where you need to create a positive first and lasting impression.”

Part of that impression is color, which always has played a significant role in the world of retail design because colors can trigger an unconscious emotional response. The psychological effect depends on color choice as well as the color’s temperature. “This plays a vital role in our approach to developing and achieving the look and feel of a retail brand,” said Marzarella. “The right color selections can evoke excitement and creativity or bring on a feeling of calmness and wellbeing.”

Stone uses various color psychology approaches. For instance, when designing the medical shop Salvera in Maryland, she painted soothing hues of green



Royal Highness

# “BRANDING IS NOT JUST A NAME OR A LOGO. IT IS A LOOK, ENERGY, AND VIBE THAT IS CREATED BY GOOD STORE DESIGN.”

—Danielle Marzarella, vice president of business development, SevenPoint Interiors



Spirit Leaf

and blue on the walls to relax patients, the majority of whom are seniors. For Florida's Trulieve chain, which serves a younger demographic, she splashed the shop with oranges, yellows, and pastels to evoke the Sunshine State ethos. "I'm a huge fan of color," she said. "It's one of many design tools. Color, along with texture, proportion, scale, and line, are the elements and principles of design."

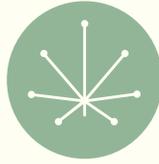
As California Regional Director of BDS Analytics, Tamar Maritz spends a lot of time waiting in dispensaries for meetings. Over time, Maritz has seen lobbies go from dungeon-like to exciting hubs of high-tech wizardry and interaction. "The lobby has changed a lot," she said. "There are now displays with brand and product ads plus promotional videos, and interactive touch-screen displays that allow consumers to browse and learn about products before going into the showroom."

In some states, like Illinois, early dispensaries didn't even *have* a lobby or waiting room. "If you weren't already a registered cardholder, you couldn't even get through the front door," said Dispensary 33's general manager, Paul Lee. "Thankfully, that's changing."

In Washington state, the lobby concept has come a long way from its early days when the spaces were populated by a few chairs and a flat-screen or two. According to Jeff Anderson, co-founder of Evergreen Market, many older shops were designed to open from the front door directly to the sales floor. "[Identification] checking gets a bit sticky, as does controlling the number of customers in the store," he said. "Evergreen has split the difference. We have a unique willow wall that creates a lobby between the front door and sales floor."

## A DIFFERENT VIEW

Not all dispensary owners see the lobby as vital. Aram J. Stoney, co-founder of Big Sur Canna+Botanicals, feels the cannabis lobby has become antiquated and unnecessary... despite Big Sur's plush leather chairs, wood-paneled walls, and hanging industrial lights providing a cozy-country-cabin environment. "From what I have seen, it would appear that the lobby or waiting area is becoming less popular," Stoney said. "The size of the space will ultimately be a



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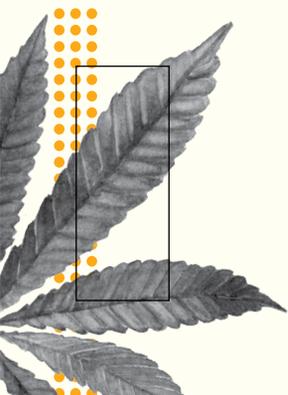
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Dispensary 33

deciding factor, if in the future there is a choice in having one or not.”

In addition, the concept of merchandising has morphed exponentially. As regulations relax, there becomes the possibility of a browsable atmosphere in the retail buying process. Fixture design and merchandise displays are now less restrictive and more flexible. Jesse Henry, executive director of San Francisco’s Barbary Coast, said some shops have taken on the supermarket model, where everything is displayed on shelves, allowing customers to grab what they want and pay for it at a checkout stand.

At Chicago’s chic and modern Seven Point dispensary, products are showcased in branded wooden boxes and glass humidor-like islands. “It has really allowed the dispensary to carry a large variety of products in a cool and different way,” said Nina Grondin, founder of design firm Curioso, the company responsible for Seven Point’s sleek look.

Product selection and the way shelves are stocked also is changing now that pay-for-play—a standard operating procedure in grocery retail—has entered the market, according to BDS’s Maritz. “There are shops that charge brands for shelf space,” she said. Maritz believes the practice will become commonplace as the brand landscape becomes more competitive.

Pay-for-play isn’t the only retail trick cannabis is borrowing from mainstream. Stoney said dispensary owners are beginning to adopt Apple’s in-store approach. For example, some stores now use roving customer service reps with iPads to take orders. “There is definitely a move to make use of all the digital platforms and technology with ordering,” Stoney said. “It’s all about efficiency.”

### CHECKING IN ON CHECKING OUT

One of the biggest concerns both Stone and Marzarella hear from their clients is, “How can we make the check-out process the best part of the retail journey?” As more patients and consumers visit dispensaries, checkout lines could become frustrating and time-consuming customer traps. The good news is, as the industry moves toward allowing cashless transactions there will be more opportunities for loyalty programs, technology integration, and normalization around the purchasing process.

According to Marzarella, the checkout experience is the most important aspect of dispensary design. It is, she said, the last point of contact the customer will have with a brand. “Creating a nicely designed, well-lit, and memorable area should offer good customer flow and continue to communicate the brand. Through creative visual merchandising techniques, the customer can continue their journey experience. It’s also a good idea to offer impulse purchases at the [point of sale]. It’s a great way to boost [units per transaction].”

### FANCY FAÇADES AND AMBIANCE

Building exteriors also have undergone a creative metamorphosis. As zoning laws continue to change, dispensaries now can exist on Main Street—literally—next door to worldwide luxury brands like Burberry and Louis Vuitton. “This has provided tremendous opportunities for the evolution of the storefront,” said Stone. “The ability to frame views of the interior is a big marketing opportunity for dispensary owners. From using the exterior as a billboard to creating enticing glimpses that pique curiosity, there are

endless possibilities for taking advantage of the dispensary exterior.”

Each state, city, county, and country has its own idiosyncrasies. For instance, in 2016 and 2017 Apple Store ambiance was all the rage in San Francisco; the trend has



since run its course. Barbary Coast's Henry believes as big corporate-funded shops come to market, dispensaries will cut back as much as possible on design expenditure. "I think we will begin seeing more of a cookie-cutter look with an emphasis on sales—not *just* on 'experience.'"

Marzarella encouraged dispensary owners to take note of the experiential aspect of tailored retail establishments when working with a design partner to identify brand- and geographically appropriate opportunities. "It's probably not a good idea to put [an over-the-top façade] on Main Street in the Midwest," she said.

By traveling California and meeting with retail owners, BDS's Maritz has found the novelty of purchasing cannabis at a "dispensary" is slowing, while delivery service is increasing. This shift affects scale, scope, and design investment. However, she believes California dispensaries nevertheless will evolve to provide more *experiences*. "These experiences range from on-site consumption to wellness and yoga classes, educational seminars, even shows and performances—anything that gives consumers a reason to keep coming back to the shop," she said.

In Chicago, it's all about sophistication. Larger brands are acquiring prime commercial real estate and designing

dispensaries that look and feel like the oft-replicated Apple Store. "Design matters," said Curioso's Grondin, "and good design is no longer synonymous with larger investments. Design has become much more democratic. We've been seeing that trend across the hospitality industry, and it's now permeated into cannabis."

The trend has directly translated into sales. Seven Point and Dispensary 33, both stylish and smartly designed, have grown at a steady rate while others have had a hard time retaining their customer base. "Consolidation is starting to happen in Illinois, and several of our clients have been able to cash out nicely," Grondin said.



# “ THE LOBBY HAS CHANGED A LOT. THERE ARE NOW DISPLAYS WITH BRAND AND PRODUCT ADS, PLUS PROMOTIONAL VIDEOS AND INTERACTIVE TOUCH-SCREEN DISPLAYS

—Tamar Maritz, California regional director, BDS Analytics



Smokin Gun Apothecary

“I may be biased, but I do firmly believe design had a lot to do with those buyouts.”

## THE MORE THINGS CHANGE

In Washington state, the current trend is to remodel rather than build a brand-new shop—but that is a catch twenty-two. “The problem with redesigning is that it is a hassle,” Evergreen Market’s Anderson pointed out. “It is easier to do nothing than to design and build a new layout while your store is open. The other option is to shut down for a period of time, and nobody likes that.”

Colorado area designer Chad Daniels said he no longer is seeing bold dispensary design in the state, unlike in 2016 when he designed Smokin Gun Apothecary in Denver. His concept of a western speakeasy dotted with prohibition museum artifacts, a vault-like showroom with vintage prison cells, and historical “wanted” posters splattered on the walls probably would not fly today. “What we are seeing in Colorado is a movement toward modernism and minimalism,” he said, adding overall design in the state has improved nonetheless. “Brand identity is much stronger as well as packaging, apparel, and interiors,” he said. “While some places do focus on the classic hippy and artsy vibe, others dress up their image with a more sophisticated and minimal approach. There is definitely a much wider variety of styles now.”

At Denver’s Diego Pellicer, the owners bucked the hippy-artsy and modernist trends and undertook a \$1 million gut-and-rebuild they said evokes “affordable luxury” and a “connoisseur’s paradise.” Bushels of foliage and dark, rich plantation woods hint at turn-of-the-century tropical balminess. Vases sprout fragrant roses, and products are displayed in handsome wood-and-glass retail islands.

“Diego Pellicer stores were designed to provide our customers an upscale retail environment with a Spanish-architecture-influenced aesthetic,” said Greg Quist, who designed the stores. “Our goal was to refine the experience and spare no expense in outfitting the spaces.”

In Oregon, there’s been an uptick in new dispensaries. While they vary greatly in design, ranging from twists on high-end jewelry shops to woody reflections of

# ROYAL HIGHNESS

A CANNABIS BOUTIQUE



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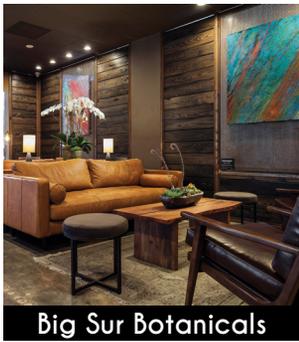
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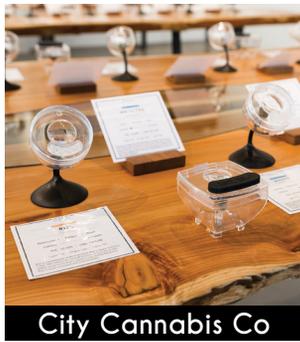
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the Pacific Northwest to quaint farmers' markets and even frat-house chic, the one commonality is niche clientele. Michael Green, owner of SpaceBuds the Dispensary—a sci-fi-themed shop in Eugene, Oregon—has even seen traditional headshops convert to dispensaries. “Mirroring the interests of your location’s demographic seems to work well in the state,” he said. “Location also plays a vital role. With so much competition, it is vital to stand out.”

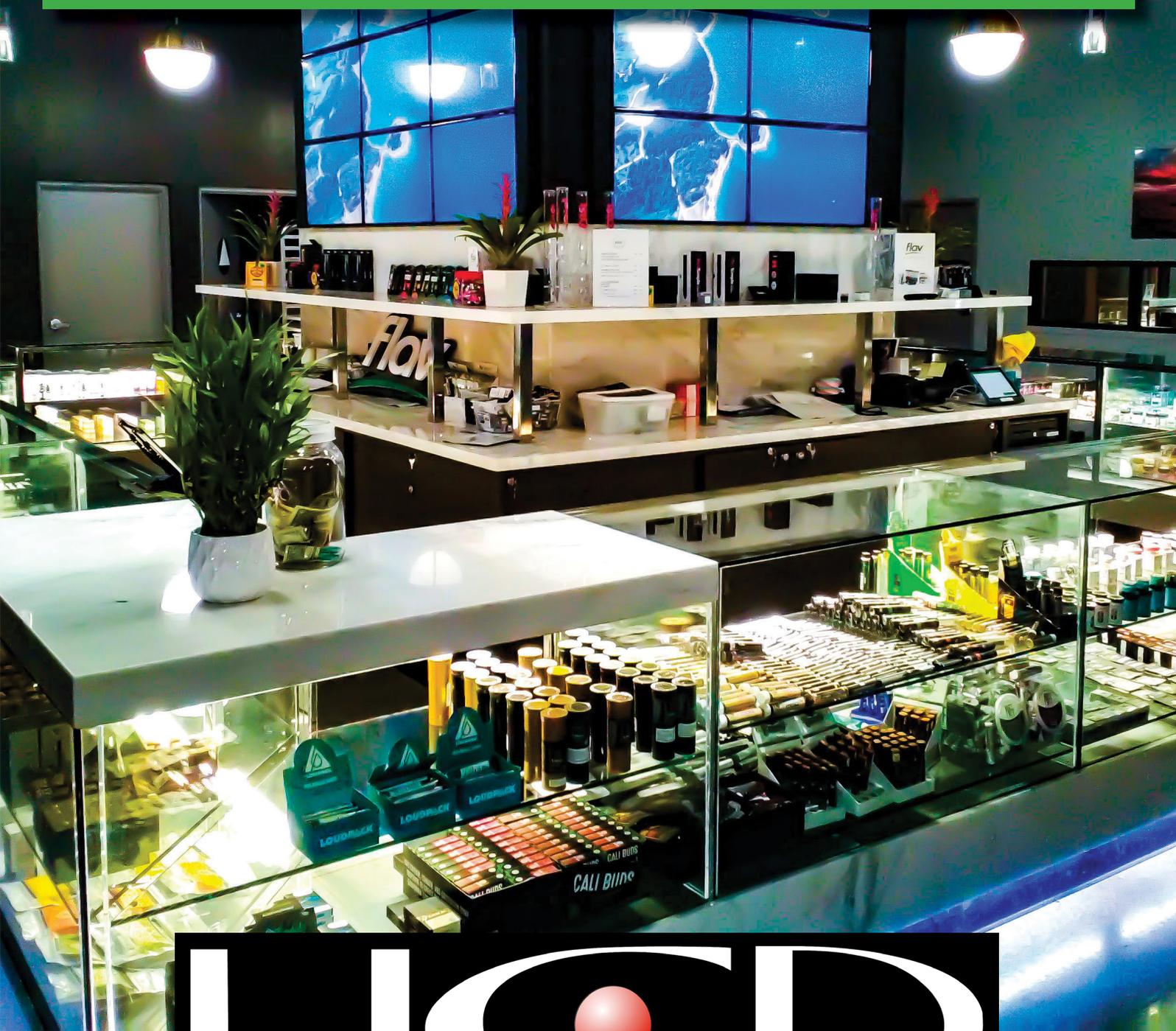
While the state has a few big chains such as thirteen-store Nectar, traditional franchising has its challenges and limitations because marijuana remains a federally illegal Schedule I drug. Green doesn’t believe Oregon consumers respond well to chains anyway. “Chains are not always well received,” he said. “This may be due to the fact that much of the marijuana culture was founded on an anti-establishment culture. Larger brands with unknown or out-of-state proprietors may sometimes be perceived as ‘the man’ and turn off customers.”

In Las Vegas, it’s all about kitsch and theme-driven experiences—the bigger and bolder the better. Whether emulating a high-roller-wood-paneled-backroom-parlor aesthetic like The Apothecary Shoppe; the hyper-modern, high-tech feel of Jardin; or the old-school jewelry store ambiance of The Apothecarium, there’s no town doing cannabis with more *panaché*.

**FULL STEAM AHEAD**

So, what does the future hold? No one really knows for sure, but Stone is excited to partake in the journey. “2018 proved to me that a well-designed dispensary is truly a force to be reckoned with,” she said. “The cannabis industry is growing so fast, and

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dispensary design is a thriving business. We have provided consumers with a rare shopping opportunity: a welcoming place to walk in and talk openly about something that changes their life. And we are just getting started. The future is full of exciting design possibilities.”

Marzarella is equally buoyant. “The industry itself is changing rapidly and allowing for more variety in the retail market,” she said. “While it is difficult to predict trends, I believe we will continue to see a variety of [retail location sizes] geared to individual markets. However,

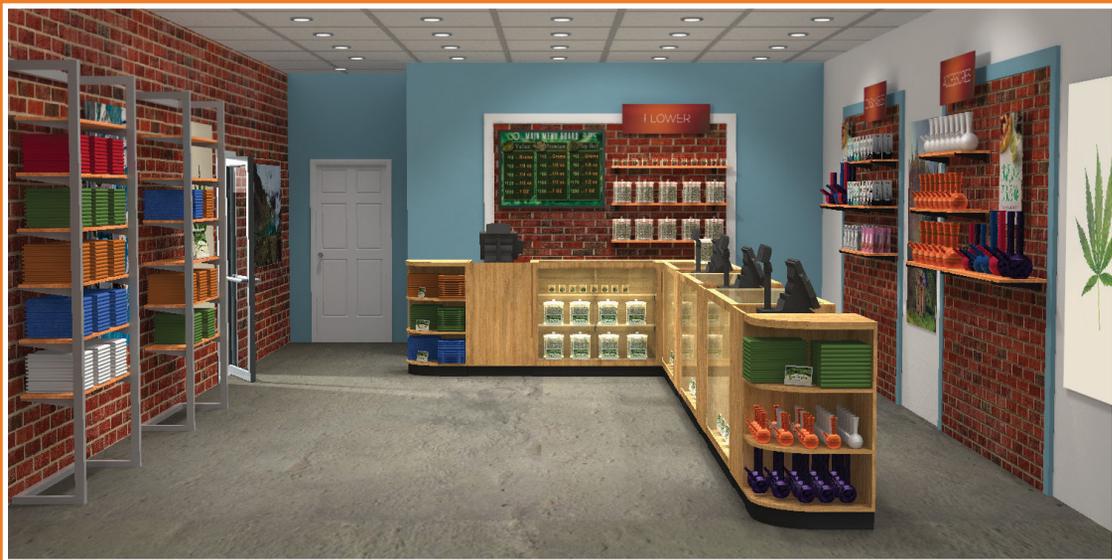
most shops we have been working with are averaging in the 1,500- to 2,000-square-foot range. I think they are finding they can offer a great assortment of product if the merchandise is planned properly during the design stage.” 



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# The Data Whisperer

*BDS Analytics co-founder Roy Bingham says numbers drive successful businesses. Believe him.*



**W**HEN ROY BINGHAM launched BDS Analytics in 2015, he was a self-proclaimed cannabis novice. He grew up in rural England, where cannabis was both illegal and scarce. But what wasn't scarce for Bingham was an obsession with data and numbers. Armed with a bachelor's degree in economics from Lancaster University, he spent years working with numbers and data as a banking professional, financial consultant, and economic advisor in London. In the 1990s, after stints at market-research giants The Nielsen Company and IRI, he struck out on his own and launched SPINS, a data analytics company for the nutrition industry, which he sold several years later.

Then, an acquaintance told him the cannabis industry was on the verge of exploding and no one was providing business intelligence with the level of sophistication for which he was known.

Bingham partnered with Liz Stahura—a widely recognized authority in retail sales analysis and strategic consulting, having worked with Leisure Trends and NPD Group—and together the pair founded BDS Analytics in Boulder, Colorado. He serves as the chief executive officer and she as president.

And he's no longer a cannabis novice. "Since launching BDS, I have tried vaporizers, flower, concentrates, edibles, and topicals," he said with a chuckle.

Bingham and Stahura were just what the nascent industry needed, even if cannabis companies didn't realize it at the time. Just as today, the industry was highly segmented,

with each state having its own unique—and uniquely challenging—characteristics. To provide accurate market data, BDS needed to establish extensive relationships and data flow in each state rather than nationally, as the founders were accustomed to doing. In addition, the arduous task of providing actionable insights about consumers, via research into consumer attitudes locally and nationally, lay before them.

With BDS's veteran technology team, the company quickly defined a plan of attack. Bingham said the regulatory landscape constantly and dramatically changed market by market, so the company opened offices in other states. "California went from being a largely unregulated and unlicensed [medical] market to a regulated, licensed adult-use market, and the rapid transformation there has not been without turmoil," he said. "Colorado has evolved steadily and now is five times bigger than in 2015. Oregon has had a bumpy ride but now seems to be on a steady growth trajectory, as is Washington, which also had a bumpy ride at the end of medical. Arizona is a healthy, burgeoning medical market, and Nevada is off to an exciting start after a rapid transition to an adult-use market.

"We are seeing tremendous progress in many other states, and federal legalization in Canada is an internationally important development that will represent a significant business opportunity in coming years," he added.

Ultimately, tracking consumer trends and purchasing data became BDS's most visible value proposition. When the company launched, most retail cannabis customers were young males. Now the demographic comprises all age groups and genders. There are more female consumers—almost 50

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percent of all cannabis purchasers—more Baby Boomers, and more senior citizens, Bingham said.

“Almost every demographic type is making purchases in dispensaries in all states,” he said. “It could be your mother, your sister, your brother.”

He shared some additional insight.

### **BDS RELIES ON DISPENSARY DATA FOR ITS ANALYSES, PROVIDING INSIGHT IN RETURN. HOW DOES THAT WORK?**

Dispensaries connect their point-of-sale system to our platform, which takes very little time and effort. The data transfer is simple, and at the present time it is still a free service. The synthesized data enables them to understand, in great detail, their own sales trends, but more importantly compare those trends to the averages in their market and understand fresh opportunities. They can focus on categories where there is growth. They can then match consumer demand in their market and increase customer loyalty as a result of having the best offerings. Also, our data gives dispensaries the tools they need to fine-tune their merchandising, understand how best to price their products, and much more.

Early on we recognized the importance of providing data to National Cannabis Industry Association members to help develop consistent terminology within the industry when it came to categories and subcategories. So, we made GreenEdge available as a benefit for NCIA members. GreenEdge is our retail sales tracking online platform, which provides clients unlimited access to accurate and actionable data about what is selling, when, where, and for how much on a daily, weekly, monthly, quarterly, and annual basis. We’ve received positive feedback from NCIA members about how useful that is.

### **BDS CRUNCHES DISPENSARY DATA IN AN EVER-EXPANDING LIST OF STATES. WHICH STATES ARE NEXT?**

We are interested in the northeast, especially Massachusetts and surrounding states. Florida is growing rapidly right

now. The central Atlantic states, like Maryland, New Jersey, and New York, have huge potential once the regulatory market improves. And we are interested in big Midwest states, all of which have unique characteristics and great potential.

### **FLOWER’S MARKET SHARE HAS BEEN ON THE DECLINE FOR YEARS. WHAT’S THE SITUATION NOW?**

Wholesale flower prices have declined significantly in most markets except California. Retail prices have also declined, but not by as much. So, margins on flower actually have improved a little.

### **WHAT ABOUT EDIBLES?**

Prices for edibles have increased, on average, in most states by a few percentage points, while input prices have decreased. So, margins for edibles have improved, too. Gummies do well in all markets where they are allowed, with leading brands doing extremely well.

### **AND CONCENTRATES?**

Concentrates are in between the two. There have been declines in concentrate prices, but not like the reduction in input costs—the decreases in wholesale flower. The conclusion: It’s a good time to be a brand. If you are established as a \$19.99 product, you don’t have to discount but your inputs have gone way down. Your margins are better. Vapes are very strong, especially in California where they represent 70 percent of all concentrate sales and are growing steadily. The leading brands are doing well and taking large chunks of market share.

### **CBD IS GETTING A LOT OF ATTENTION SINCE PASSAGE OF THE 2018 FARM BILL. WHAT DOES THAT LOOK LIKE FROM A DATA PERSPECTIVE?**

We see high-priced tinctures rising in popularity, which in many cases involve high-CBD products. High-CBD products in certain categories, like tinctures and topicals, are growing fast.

### **MICRO-DOSING IS IN VOGUE. WHAT EFFECT IS THAT MARKET TREND HAVING, SALES-WISE?**

Micro-dose products are doing well, and we are starting to see progress with alternative ways to introduce THC into the bloodstream, such as sublingual liquids and breath strips. The beverage category overall is not overly exciting, but within the category new types of products are doing well—powdered products that dissolve in liquid and tea, for example.

### **WHAT DOES THE DATA SAY ABOUT RETAIL SEASONALITY?**

A seasonal pattern is emerging. In most markets we are seeing a seasonal lull in late summer. The third quarter tends not to be as high as the second and the fourth in the Colorado market. It’s hard to say with California and Oregon, as there has been so much turmoil.

With Arizona, we don’t yet have enough long-term experience to come to conclusions. We do see big months and big days, usually around holidays, as well as reliable weekly trends. Friday, for example, is always the big sale day of the week. All sorts of patterns are emerging as this market evolves and we gain historical data to make valuable comparisons.

### **BASED ON THE DATA, WHAT ADVICE WOULD YOU GIVE COMPANIES TRYING TO CREATE UNIQUE AND SUCCESSFUL BRANDS?**

Understanding the market is essential. The days of being able to just wing it in terms of launching a brand are long gone. Nobody will gain a clear understanding of their market through just talking to friends and family. Instead, consumer-facing brands must engage vigorously with data, from retail sales numbers and trends to insights derived from professional, scientific consumer researchers.

In addition to powerful data, brands must have full confidence in their supply chains. Few things doom brands as quickly as failing to have enough product for dispensary partners. A savvy sales force is vital, too. Relationships with dispensaries are paramount, and your sales team is an

important bridge between the product and store shelves. They simply must be constantly engaging with your accounts. In addition, things like smart promotions and product consistency and reliability are important in what is an increasingly competitive marketplace.

### TECH AND MANY OTHER LONG-ESTABLISHED SECTORS EMBRACE DATA AS AN ESSENTIAL COMPONENT OF BUSINESS SUCCESS. HAS CANNABIS REACHED THAT POINT?

I think it's fair to say the number-one challenge when we started working with some of our dispensary partners and brands was helping them to understand our service, especially those who hadn't used similar services in other industries. That is getting easier now as people from other backgrounds get involved with the industry. The relatively small size of the companies in the industry is challenging. Many of them don't have the financial

resources—or more importantly, the staff—to focus on data.

But the industry is catching on to the concept. We hear things like, “BDS has offered up data that has enabled us to recognize an opportunity with a new category or new product line and to be able to shift pricing in our favor.” One retail owner recently said to me, “The actionable data enabled us to realize products we hadn't been focusing on had great potential, so we redoubled our efforts. It enabled us to understand the impact competitor marketing campaigns might be having. It also empowered our sales force with reliable, accurate, third-party data to help persuade other dispensary owners they needed to carry our products.”

### BDS IS GROWING. YOUR CLIENT BASE HAS EXPANDED DRAMATICALLY IN THE PAST THREE YEARS.

We are growing so fast with our current business model. The majority of the

top 100 brands in cannabis use BDS Analytics. We have close relationships with hundreds of dispensaries providing us their POS data and using our service to improve their performance. We have thirty-five employees now, and we have raised three rounds of capital, with increasing valuations.

We're focused on adding new clients and new states and territories while also enhancing our existing POS analytics services and our Industry Intelligence division. Also, we are investing resources to expand our Consumer Insights division. We're not looking hard at strategic changes yet.

### WHERE DO YOU SEE THE CANNABIS MARKET IN THE NEXT THREE YEARS?

By 2022 we expect a global market of \$32 billion, and North America will represent 90 percent of the total. We believe federal legalization could happen by 2021. 

—Rob Hill



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# CHAIN REACTIONS

Cannabis companies are queuing up to become the familiar face of cannabis retail.

BY JOANNE CACHAPERO

**S**ALE of legal cannabis is a rare moment in retail history. It's not often a prohibited substance makes the transition from backstreets to Main Street, but that's exactly what's taking place—and on a revolutionary, global scale.

For cannabis companies hoping to build retail chain empires in the United States, the revolution is happening s-l-o-w-l-y. Continued federal prohibition and complicated state and local regulatory schemes present considerable obstacles for setting up one store, much less operating a hundred dispensaries across several states or a geographic region.

“I think the uncertainty makes life more difficult, whether it be banking or retail, real estate, and finding investors,” said CURE Chief Operations Officer Ryan Smith. “The analogy I use is cannabis is a normal business, just like any other business, except everything's got a twist associated with it. Banking's more difficult. The regulatory environment is significantly more difficult than any other business I had been in previous to being in cannabis.

“I look at the respective regulations in each state probably a couple times a week to understand exactly how each state's implementing the regulatory infrastructure,” he continued. “I probably spend 10 to 15 percent of my time on regulatory or regulatory-related items, whereas in my life before cannabis, I think it was about 0.1 percent of my time, and typically on [human-resources]-related items.”

CURE operates one medical-and-retail location in Denver and three dispensaries in Pennsylvania, where licensing is limited to medical marijuana sales. All four shops focus on vape supplies, oil capsules, concentrates, tinctures, and topicals, as well as specialized patient care, services, and education. In Colorado, where recreational use is legal, CURE also offers top-shelf flower in proprietary and curated strains.

Ending prohibition would simplify many key aspects of doing business, Smith said, but legalization wouldn't necessarily make regulatory compliance any less complex.

“I think the business itself, the inherent complexity in the business, would go down,” he speculated. “The

“ IN MANY WAYS,  
NOW IS A  
GREAT TIME TO  
BE A CANNABIS RETAILER.”

number of players, I think, would go up, and the availability of capital and interest from folks who have decided to stay on the sidelines in the U.S.—whether that be the alcohol industry, the tobacco industry, the pharma industry, or real estate—just other companies that might be interested in the space. They’ll be likely to start to enter the space, whether that is through applications or acquisitions.

“My guess is most of those companies would do it through acquisitions, because they want to be able to capture a certain percentage of the market share quickly. The only way to do that, especially in limited licensing markets, is to acquire existing operators,” he added.

Many market experts and pundits also expect the federal regulatory scheme for cannabis to resemble beverage alcohol’s when cannabis is removed from the Controlled Substances Act’s Schedule I. However, the added complexity of operating vertical businesses creates a multi-layered labyrinth of standards and requirements from which only the most strategically positioned and well-funded are likely to emerge as cannabis retailing giants.

“It’s as if Coors owned the fields, grew the wheat and barley and hops, owned the breweries, owned the transportation to the processors, to their third-party, to their bottling company, and then also owned the liquor stores,” Smith explained. “That would be the equivalent, right? So that’s the nature of this business, right? For example, in some places, we own that whole chain, and lots of other companies do. It’s not like we’re anything special... But there are very few, if any, other industries where you’re really controlling the entire vertical supply chain.”

Despite considerable obstacles imposed by operating in a quasi-legal market, the current retail chain landscape is being populated state-by-state and one store at a time. Some cannabis corporations are accumulating licenses in multiple categories and states in pursuit of wide expansion. Other chain retailers choose to target regionally, offering proprietary

and third-party vendor products at multiple retail locations serving major cities or metropolitan areas.

### NATIONAL GOALS

At Curaleaf, progress is well underway toward building a major national retail chain in both medical and adult-use categories. The Massachusetts-based company currently operates dispensaries in Arizona, Connecticut, Florida, Maine, Maryland, New Jersey, Nevada, and New York. Licenses are in process for California and Pennsylvania.

According to the corporate website, Curaleaf is focused “on highly populated, limited-license states.”

Curaleaf’s forty-two dispensary locations integrate vertically with the rest of the company’s holdings, which include twelve cultivation sites and ten processing facilities in twelve legal states. Curaleaf Senior Vice-President of Retail Operations Chris Melillo said the best-selling product categories across all stores are dried flower and cannabis oil. With more than 100,000 registered patients, Curaleaf serves a diverse cross-section of American consumers that, according to Melillo, includes “minors suffering from epilepsy, veterans suffering from PTSD, and grandmothers with chronic pain.”

“Compliance is the cornerstone of our business,” he said, responding diplomatically about the complicated regulatory challenges of operating in several states. “It protects us and our patients. We have compliance experts in our senior leadership team and compliance experts in every state. It is a critical part of the Curaleaf business.”

Melillo noted Curaleaf is optimistic federal legislation may ease the process of cannabis commerce. “There are legislative actions that would help the medical cannabis industry. We believe the STATES Act will play a role and are excited about where the industry is going.”

Introduced last June by Senators Elizabeth Warren (D-Mass.) and Corey Gardner (R-Colo.), The Strengthening the Tenth Amendment Through Entrusting States (STATES) Act “ensures that each state has the right to determine for itself the best approach to marijuana within its borders.” The bill extends the same protections to Washington D.C., U.S. territories, and federally recognized tribes. Having received broad bipartisan support in both houses of Congress and from governors in a dozen states, the bill awaits a vote.

Still, while legislative wheels turn slowly and limit market expansion for U.S.-based cannabis brands,



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chains, and franchise retailers, Curaleaf continues to grow its footprint. Despite being one of the largest U.S. cannabis retailers, Melillo said the company has no plans to expand into the newly legal Canadian market, unlike some other American retailers and manufacturers.

“Our goal is to increase the positive experience for our patients, as well as create a consistent environment that can appeal to medical patients and adult-use customers,” he said. “I believe we are well-positioned to become the premier cannabis dispensary chain in the U.S. We will continue to refine our patient journey and provide a consistent overall retail experience in each state [in which] we operate.”

### REGIONAL MARKETS

Neither Curaleaf nor CURE operates in California, though Curaleaf’s licenses are in process and will lead to a storefront debut on the West Coast. The Golden State has been green for generations, starting with a well-established black market which was followed by a sprawling, largely under-regulated network of collectives and co-ops once medical marijuana was legalized statewide in 1996.

“California is a very different market, really, from any other market in the country—not just because it’s such a big state and it’s got so many people, but also because the order in which things happened is very, very important,” CURE’s Smith said. “Really, what happened in California is, and this is my opinion, the ballot initiative passed in ’96... There were these co-ops that were founded, and there was a huge black market in California for the last forty or fifty years, so you’ve got that.

“Then, you’ve got this sort of quasi-legalization that was in place for twenty-plus years,” he continued. “Then adult-use passed, and again you have this patchwork of regulations that really hasn’t been put into effect. You still have an incredibly robust black market and an incredibly robust gray market, and so what you’re really trying to do is say, ‘Oh, you guys have been operating this way for ten, twenty, thirty, even fifty years. We’re gonna tell you that you can’t do that stuff anymore,’ and now you need to follow this set of written regulations,” he summed up, in an accurate layman’s description of California’s unique legal cannabis market.

California dispensary chain Cookies, founded in San Francisco by rapper and cannabis entrepreneur

Photo: Curaleaf

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Cookies Melrose

Berner, has opened two locations in the Los Angeles area since January 2018. The first, a 25,000-square-foot facility in the city of Maywood in the southeastern part of Los Angeles County, includes a retail showroom and the brand's indoor farm.

The second location, Cookies Melrose, opened in late 2018 on a prominent corner of Melrose Avenue in Los Angeles, in proximity to couture fashion retailers like Marc Jacobs and Vivienne Westwood. Foreign fashionista tourists take selfies down the street at Paul Smith's famous pink wall and sip pastel-colored boba drinks from celebrity-frequented teahouse Alfred.

The dispensary's glowing white exterior blocks the view of people passing on the sidewalk outside, but its friendly blue neon lighting seems inviting in a mysterious way. The exclusive vibe fits right in with the glamorous stretch of shops. Next door, a Cookies merch shop offers branded street wear and on-trend accessories. Nothing is overtly marijuana-themed; instead, it looks more like hipster brand Supreme, with cool logos and a global, hi-tech feel.

Regardless the clever marketing and name recognition attached to the owner, management realizes building the brand won't be easy in the southern part of the state. Media reports estimate there may be more than 1,700 illegal dispensaries in Los Angeles County and only 169 licensed retailers.

"Due to ongoing changes in the cannabis industry when it comes to compliance, the government has made it difficult to establish locations and to adjust to the gray area of cannabis regulations. The process requires a great deal of tedious paperwork," said Vartan, manager of Cookies Melrose. "From batch numbers to harvest dates, all this new information is becoming public for the consumer, and it is of utmost importance that Cookies California stays compliant and to adjust as quickly as possible.

"It would be much appreciated if the government could change their attitude about cannabis in general," he continued, voicing the frustration of many California licensed retailers. "Let's start by lowering the taxes. This includes the taxes we pay as

a business in this industry, as well as making it easier for the consumers to afford the products offered. Cannabis taxes are hefty and add up in the long run.”

Of course, black marketers and gray market bad actors don't comply with regulations, pay fees or taxes, or worry too much about tight profit margins. Legal retailers like Cookies are betting, if and when the California market normalizes, savvy consumers, connoisseurs, and cannabis tourists will seek retailers they can trust to have the best product. Cookies already is building that reputation, in part by offering more than 200 proprietary flower strains.

“Our goal at Cookies California is to deliver the best genetics of flower to as many people as possible,” Vartan said. “Our clientele travels from all corners of the world just for our brand. As the year progresses, we plan to extend our reach in other major cities within California. In addition, we are definitely interested in making a presence in the rest of the nation as other states slowly become recreationalized.”

#### BRICKS AND MORTAR

Patience definitely is a requirement for retailers navigating the mind-boggling labyrinth of operating procedures, standards, and requirements, while working hard to establish a brand that consumers recognize and investors find viable.

But it may be that some regulatory sticking points actually could work to benefit chain stores. Cannabis, currently the most widely used “illegal drug” in the world, is hugely popular with consumers. Regulatory concerns about online sales, delivery services, and the potential for misuse will ensure the need for brick-and-mortar locations for some time to come.

“I think [physical shops will] be critical, and I think it will largely end up being one of the most important parts of the business,” said CURE's Smith. “At the end of the day, [there will be] a limited number of retail outlets that states will allow, just like liquor stores. I think because of that, retail will end up being critical. I don't think either states or the federal government will allow very much of this to be done online because of the opportunity for abuse with kids and keeping [cannabis] out of the hands of people that shouldn't have it. I think delivery is going to be limited, strictly.”

Despite the complexities of chasing the dream, in many ways now is a great time to be a cannabis retailer—a rare opportunity to be present at the birth of an industry and part of the next historic consumer commodity market with potential to change the world. Companies that want to play and stay in the space know fortune and the future favor the bold. 



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# Finding the Right Counsel

*One size rarely fits all.*

BY CHRISTOPHER J. DAVIS, ESQ.

**I**F YOU'RE READING THIS, you most likely already have a lawyer, should be looking for one, or are experiencing a combination of the two. I cannot tell you how many times I've heard the words "we're not ready for that" or "we know what we need to get done," only to watch as a budding business fails for lack of basic legal foresight.

So, let's start from the beginning. Have the next brilliant cannabis business idea? Protect it. Have a partner you think will take your business to the clouds? Iron out your rights and responsibilities before ending up in an unhappy marriage. Thinking about taking that seed money from friends or family on a handshake deal? Depending on how far you've gotten in discussions, you may already be flirting with securities fraud. No matter how young you think your business is, it's almost always worth the time and effort to seek counsel early and often to avoid significant burdens, expenses, and potential criminal liability down the road.

For most business owners, the most difficult question isn't "Should I hire a lawyer?" but rather "How do I find the attorney or set of attorneys who can best serve my varied and specific needs?"

When choosing lawyers, it's important to understand the nature of the legal industry and the staggering breadth of knowledge that goes into a comprehensive legal practice. While some attorneys describe themselves as cannabis attorneys (and there is nothing inherently wrong with that), that is a description of the industry they serve and does not adequately address the critical questions you must examine when selecting an attorney: 1) their substantive area(s) of concentration, 2) the jurisdiction in which they practice, and 3) the collective knowledge they can bring to bear on any particular problem or issue.

Tying each of these considerations together is the golden rule of any attorney-client relationship: mutually open, honest, candid, and frequent communication in a style that appeals to both the client and, yes, the attorney.



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**CAN THE ATTORNEY ADDRESS THE SUBSTANTIVE ISSUES YOU FACE?**

Substantive areas of law within the cannabis industry might include general business and/or commercial (contract) law; real estate; compliance (state and local regulation); patent, trade secret, and other intellectual property issues; taxes; securities; and countless others. A “cannabis lawyer” might specialize in an impressive combination of these but won’t ever be able to do them all as well as you may want.

Identifying a great general-business attorney to help you incorporate an entity, structure your business to benefit from tax laws, draft a lease, and review and advise on commercial contracts is more than possible, but if that same individual is handling compliance with environmental regulations, managing an intellectual property portfolio, and also drafting securities offerings and pursuing tax litigation, there is a good chance the attorney might be stretching himself or herself a little thin.

Being able to have open and candid conversations about the attorney’s history and experience with a particular set of issues should provide some comfort. Traditionally, an attorney’s experience correlated with their fees, but that may not hold true for attorneys in this industry because of the nascent nature of cannabis businesses overall. Additionally, access to mentors and a larger network of attorneys can fill some of the holes that exist in the knowledge base of newer attorneys, so it’s always a good idea to explore both the attorney’s personal experience and the network (their firm or other professional associations) they may rely upon when faced with a novel issue. Ultimately, the attorney’s experience with the legal issues facing your business should reflect your comfort level. Once you know the experience, knowledge, and cost of a lawyer, it’s up to you to decide what mix is right for your business.

**DOES THE ATTORNEY HAVE GEOGRAPHICAL AND/OR JURISDICTIONAL EXPERTISE?**

Any inquiry into the ability of your potential counsel should consider whether

the issue or opportunity is controlled by local, state, federal, or international law. Currently, legal cannabis operators largely are governed by state and local law, and legal issues that relate to (for example) compliance, contracts, insurance, and real estate should be handled by someone licensed in that particular state.

However, bar membership is not the only consideration. Cannabis regulations vary widely from city to city, and your attorney should have an active practice in your specific location to ensure their familiarity with that locality.



TRADITIONALLY, AN ATTORNEY'S EXPERIENCE CORRELATED WITH THEIR FEES, BUT THAT MAY NOT HOLD TRUE FOR ATTORNEYS IN THIS INDUSTRY.

Moreover, certain subjects are governed by a combination of state and federal regulation. For instance, raising money often is governed by state “blue sky” laws as well as federal securities laws. Trademark law is the same: Many states have begun to accept cannabis-related marks into their state registries, but trademarks may also be federally registered and common-law trademarks are governed by federal law.

Other areas, like patents, are exclusively federal and require a specialized license, like membership in the federal patent bar.

When discussing the scope of your engagement with an attorney, make sure they are properly licensed in the correct jurisdiction and are familiar with the law in the locality in which you operate. Remember: A license to practice law is necessary, but not always sufficient, to determine whether an attorney can help with your needs.

**DOES THE ATTORNEY HAVE ACCESS TO THE HELP HE OR SHE NEEDS?**

In the modern era, law practices range from solo practitioners to huge multinational firms, and business owners often wonder about the relative merits and potential pitfalls of each.

Given our prior discussion of substantive practice area and jurisdictional expertise, a large portion of this discussion must center around access to individuals who are familiar with subjects and locations that complement your attorney’s own knowledge.

With a large national practice, you may pay a higher rate, but those attorneys likely will have access to an integrated network that can handle a broad range of substantive issues in different geographical locations.

On the other hand, a solo practitioner may not have a firm backing them up but still may be able to handle a wide range of substantive issues and may have access to a large national network through other means, such as membership in the National Cannabis Bar Association.

And, don’t forget, some incredibly passionate and expert lawyers are in smaller or solo practices, and they may have access to a network that expands the range of services (substantive and jurisdictional) they can provide, rendering their work product substantially equivalent to attorneys from a larger, national firm.

This largely is up to your preference in personalities and how you like to cultivate your own team to help you advance your business. By going solo, you may have to do extra legwork down the road to ensure you have a full suite of legal support, but you may also end up with a team tailored to your exact needs. On the other hand, a larger firm has a built-in network of attorneys assembled by legal professionals who may end up knowing your problems better than you do.

**BOTTOM LINE**

The best way to assess whether the lawyer you are considering is the right choice is to take the time and effort to interview them thoroughly. Start with a recommendation

from industry colleagues, but recognize not every lawyer is right for every client and you may ultimately go a different direction.

You have a right to know the level of experience and professional competence the lawyer can bring to your business. You should be open with your needs and expect the same when your attorney responds. Press them about how they plan to address your specific legal issues, find out how long the lawyer has been practicing in a particular area of law, and ask how long they have been serving the cannabis industry. Consider the attorney's familiarity with local regulations. If the attorney will be applying for a state or local license on your behalf, determine whether they previously obtained authorizations and whether they have the personal relationships to help shepherd your company through the process.

If a lawyer claims to be able to address every potential problem that could

arise for your cannabis business, dig further. Examine what other resources the attorney can bring to the table if a particular issue falls outside their historical area of expertise. If considering a solo practitioner or a small firm, make sure they are comfortable telling you what they don't know. This person may end up being the equivalent of an in-house counsel or an attorney who spots legal issues on the horizon (even if they are not equipped to deal with each and every one of your problems themselves). This person should be confident and comfortable directing you to others in their legal network to make sure you always receive the highest-quality legal work for any issue.

Above all, trust your instincts. Communication is essential in this relationship, as is a high level of mutual respect, which will enable you to work through the issues facing your business together. If you're not comfortable with potential counsel, keep looking. 



**CHRISTOPHER J. DAVIS** is the first executive director of the National Cannabis Bar Association. Previously a securities

litigator and legal editor for Westlaw, he began his work in cannabis in 2015 when he represented small cultivators in Northern California on a pro bono basis. A graduate of George Washington University School of Law, he is a member of the California and New York bars.

**THE NATIONAL CANNABIS BAR ASSOCIATION** was formed in 2015 by a group of lawyers who saw a need to educate and connect with other cannabis industry lawyers in order to ensure excellent, ethical, and advanced legal assistance for the industry. NCBA hosts a variety of networking and educational events.

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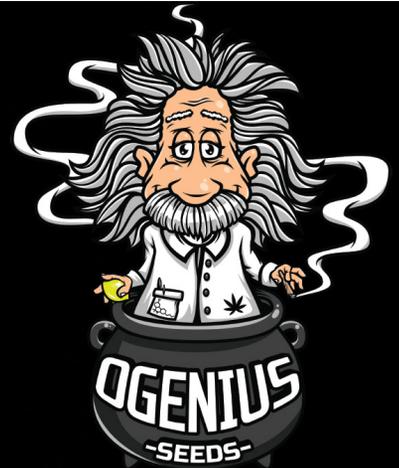


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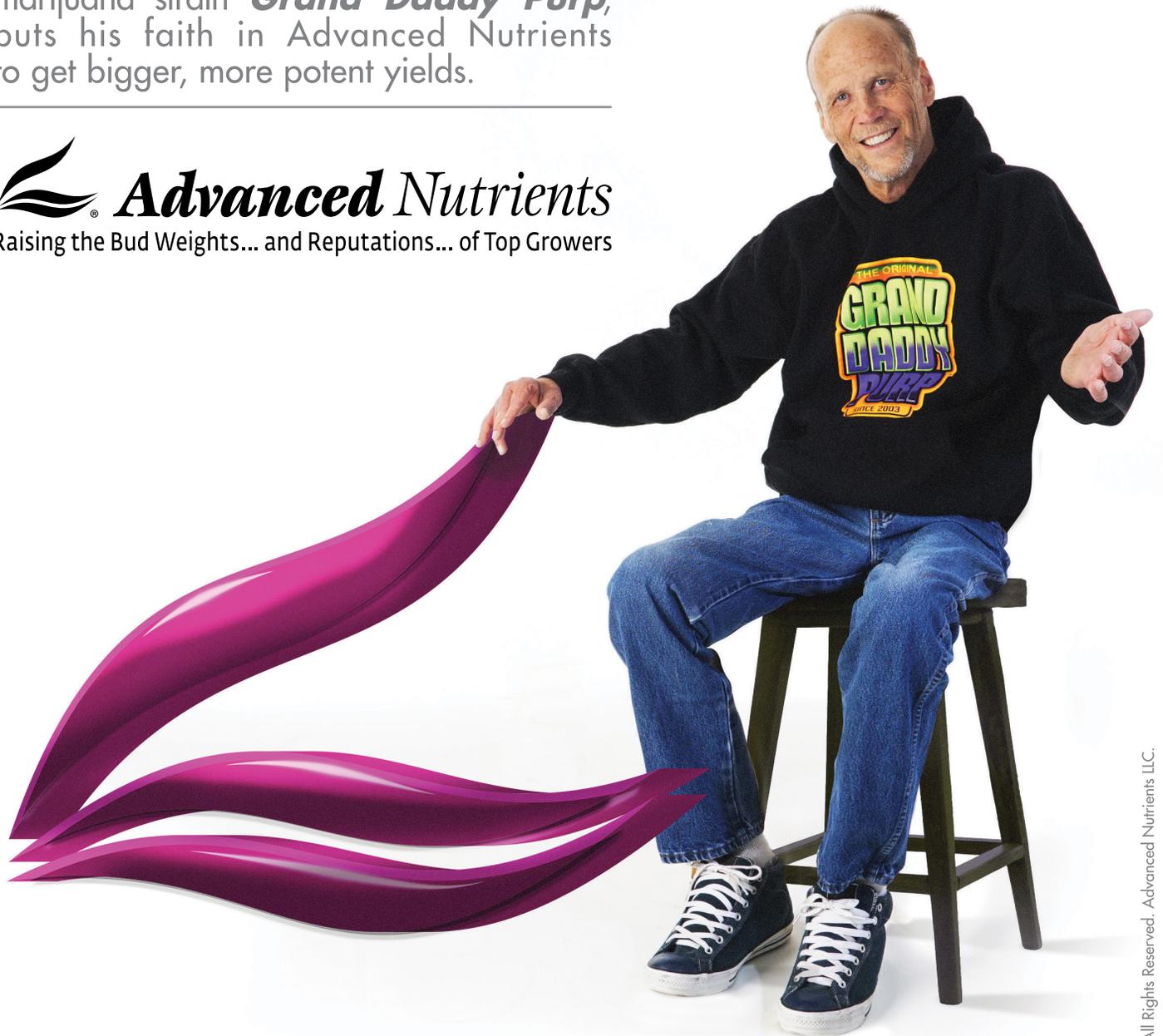
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