IT'S SOLD OPENLY IN STORES, POPULAR WITH KIDS AND UNPREDICTABLY DANGEROUS

THE RISE OF FAKE POT

BY ELIZA GRAY

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Photograph by Jamie Chung for TIME

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Egyptian Christians attend Mass on Feb. 27 in St. Samaan church in Cairo as the Lenten fast begins. Photograph by Mosa'ab Elshamy for TIME
A package of synthetic cannabinoid seized by the DEA

KING KONG
BOTANICAL INCENSE
1 gram
SOLD OPENLY IN STORES, POPULAR WITH KIDS

AND UNPREDICTABLY DANGEROUS,

THE DRUG THREAT IN Plain SIGHT

SYNTHETIC POT IS JUST AROUND THE CORNER

BY ELIZA GRAY/AMARILLO, TEXAS
On the morning of June 26, 2013, before heading to work at a bingo hall in Amarillo, Texas, Roni Cannon had a premonition. When her son Jesse High, 18, had started smoking something he called K2 about 12 months before, Cannon thought it was just a strong tobacco he reacted badly to. She disapproved, but when she asked him what it was, he said it was no big deal. “This is like a legal marijuana,” he told her.

Cannon knew smoke shops sold K2, so she accepted his answer—and some of the effects did seem similar to those of marijuana. Jesse often had bloodshot eyes and acted sleepy and incoherent. But there were other, more worrisome signs: her once cheerful son had become easily aggravated, and when she hugged him, she noticed, he smelled like an alkaline battery that had exploded. She urged him to quit, but things only got worse. When Jesse threatened to hurt his younger sister during a dispute over the remote, Cannon felt she had no choice but to kick him out.

In the last week of June, buoyed by a promise that he’d stopped using K2, Cannon went to visit Jesse at his new job at the Texas Chicken Wok. He seemed better. He had put weight back on, and his boss told her Jesse was one of his best workers. Jesse said he was sorry he’d missed his sister’s birthday. As soon as he got his next paycheck, he promised, he would take her out.

Just a few days later, Cannon had her premonition. “I guess you could call it a mother’s intuition or something. Something was just nagging at me to call him, to check on him.” She didn’t have time before work, so she thought, I’ll call him on my break—make sure he’s O.K., “and I went to work.”

The most complicated drug problem in the world right now isn’t meth or cocaine or the heroin that’s been making a comeback and killed actor Philip Seymour Hoffman. It is synthetic drugs, also known as legal highs or designer drugs. Five years ago, these substances were virtually unheard of. Now, say drug monitors and law-enforcement officials, they are spreading to eager buyers everywhere at an unprecedented speed. “It is widespread in scope. It is in every state,” says Joseph Rannazzisi, head of the U.S. Drug Enforcement Agency group responsible for synthetics. “I don’t recall any other drug issue where we had the same problem.”

With street names like K2 and Spice, these substances are widely available, sold openly in stores with little fear of prosecution. Faced with their rapid proliferation, legislators are looking for ways to respond. “We have to be as sophisticated as the crooks and the drug dealers that are putting these illegal drugs out there, and our laws just simply aren’t,” says Senator Amy Klobuchar, who has introduced a bill to make it easier to prosecute synthetic-drug crimes.

Mixed by chemists in labs, mostly in Asia, synthetics are chemical compounds designed to mimic the effects of naturally occurring drugs like marijuana and cocaine while staying just inside the law. Because the newest compounds don’t yet appear on state and federal lists of illegal drugs, the sellers can market them as legal. As soon as authorities add a compound to the prohibited list, the chemists tweak the formula—ever so slightly—to make a new substance that purports to be legal.

Though their effects can be quite different from those of the traditional drugs they mimic, synthetics appear in forms that look and feel similar. Substances typically labeled as glass cleaner or the now infamous bath salts are synthetic cathinones, stimulants that come in white powders that can be snorted, swallowed or injected to achieve a cocaine- or methlike high.

But the real boom is in chemicals meant to stand in for pot. Herbal incense and potpourri are among the labels found on synthetic cannabinoids, which act on the same receptor in the brain as THC, the psychoactive ingredient in cannabis—that is, marijuana. They are typically sprayed on an inert, leafy plant (often damiana or marshmallow leaf) that users buy and smoke.

Cannabinoids are now the most popular kind of synthetic, and the increasing legalization of pot may further bursh the myth that these chemicals are mostly harmless. But their effects, which are only beginning to be understood, can be unpredictable and dangerous. Emergency rooms and poison-control centers have reported synthetic-related kidney failure, seizures and psychoses.

Synthetic pot appeals to some users because it can evade detection by urine tests. The relatively low price of cannabinoids—packets sell for as little as $10—along with the notion that they are legal and therefore safe has helped them make inroads with teens. Actual pot remains the top drug in that age group—in 2013, 29.8% of students in 10th grade reported using it during the past year, according to an NIH-sponsored survey. But even factoring in a decline since 2012 amid growing police vigilance, the far riskier synthetic marijuana came in second, with 7.4% saying they had tried it.

The traditional months-long process for declaring a new substance illegal isn’t equipped to handle the synthetics problem, where the new possibilities are quick and easy to make and, quite literally, endless.
"They are coming out so fast that we are in catch-up mode," says Terry Boos, a chemist in the Office of Diversion Control at the DEA.

Drug cops have been struggling to keep pace—a Sisyphean task, it turns out. Everything about the way synthetics are made, imported, sold and detected defies the traditional approach to enforcement. The buying and selling of illegal drugs traditionally happens underground, requiring incriminating phone calls or clandestine exchanges of money and contraband. Synthetics, in contrast, are sold in convenience stores, gas stations and head shops in heat-sealed foil packets with a bar code, named for household products like potpourri, incense, bath salts and plant food and labeled not for human consumption.

Ultimately, it is the open manner in which synthetics are sold that makes them so difficult to police. As with any other disruptive innovation, responding will require rethinking the old playbook. It also means exposing myths about the safety and legality of these compounds. Police, prosecutors, judges, communities and parents will all need to recognize that if the drug pushers are playing by new rules, so must they.

**SYNTHETIC MARIJUANA ARRIVED IN AMARILLO IN EARLY 2010.** A city of roughly 200,000 in the Texas Panhandle, Amarillo smells of the manure on the cattle ranches surrounding it. Meatpacking and nuclear-weapons assembly are chief occupations. As in many other places, authorities say, the first synthetic cannabinoid users in Amarillo were trying to get high without getting caught by routine drug tests at work.

The drug has since become popular with kids enticed by the low cost, typically $10 to $50 for a packet. In a 2013 survey of Amarillo Independent School District students, 11% of kids in grades six through 12 had tried synthetic marijuana. That was down from 2012 but still showed that roughly 1 in 9 kids had tried synthetics within the past year.

In April, the Amarillo police department sent an undercover officer to a local shop called Planet X. According to the police case report, the officer bought a packet with the brand name Gorilla Dro Po Po. The crime lab's instruments often don't recognize synthetics, but testing found XLR-11, a cannabinoid. Texas law bans a cannabinoid if it "mimics the pharmacological effect of naturally occurring cannabinoids" (read: it can get you high). XLR-11 would be added to the DEA's list of illegal substances a few weeks later. It has been blamed by the Centers for Disease Control and Prevention for incidents of acute kidney injury. (A lawyer for Planet X, which has denied any wrongdoing, says police never provided a sample for independent testing.)

Three days later, armed with a search warrant, the police raided Planet X and seized 92 packets of Gorilla Dro Po Po. They filed the case with the Potter County district attorney's office as possession with intent to deliver a controlled substance. Citing a lack of evidence to prove that the Gorilla Dro Po Po was illegal, the district attorney's office declined to prosecute the case.

On June 26, emergency services received a call at 12:02 p.m. "Amarillo 911. What's the address of your emergency?" says a female operator's voice on the recording. The other voice belongs to the friend who discovered Jesse High: "Yes, ma'am, um, this is...one of my friends. I just came from my house and I opened the door, and like I don't know if he's all right. He's not waking up." The operator, who dispatched the paramedics, asks, "Is he breathing?" "Nope." For the next five minutes the operator repeatedly counts one, two, three, four, as the friend gives Jesse CPR.

About two hours after the 911 call, two police officers arrived at the bingo hall and told Roni Cannon that her son was dead. The cause of death was "probable complications of synthetic cannabinoid ingestion," according to the official autopsy report by Dr. Thomas R. Parsons for Potter County.

Understanding exactly what happened to Jesse beyond that is complicated. The autopsy report says Jesse exhibited pulmonary and cerebral edema—excess fluid in the lungs and the brain. The report underscores the challenge of trying to ascertain exactly what happens with presumed victims of synthetics: it states that lab tests were negative for "commonly available" cannabinoids but notes that tests were not yet available for "many additional" cannabinoids that are believed to be sold under the name K2.

Medical experts caution that a single dose of a synthetic cannabinoid can be hazardous because of the crude way in which producers spray the chemicals onto inert plant material that is then smoked. If the cannabinoid is sprayed unevenly, it can create hot spots where the concentration of the chemical is dangerously high. But because there is so little medical research on these novel compounds, their precise effect is not well understood.

Cannon says she believes that Jesse died from K2 he bought at Planet X. In a case filed Oct. 1, 2013, in 251st District Court in Potter County, she is suing Planet X's owner, Brandon Whisenhunt, for negligence, among other claims, and seeking wrongful-death damages and additional compensation. In a court filing dated Oct. 8, Whisenhunt denies all allegations.

I visited Planet X on the Friday before Christmas, about six months after Jesse's death. Housed in a sand-colored strip mall along with an automotive garage and a restaurant, the store was unmarked save...
Catch The Rush!
TEXAS GOLD
1.5 g
Herbal Incense
NET WT. 1.5 g

Mango Fadis Spice
PREMIUM BLEND!
HERBAL INCENSE
NET WT. 1.6 g

Marshmallow Butter
Herbal Incense
10 g

Moe-Joe Platinum
1.5 g
Botanical Incense, Not for Human Consumption

K2 Blond
3 grams

Voodoo
net wt. 1 g
for an electric red and yellow open sign and a piece of computer paper with a typed holiday schedule.

Inside, I told the clerk behind the register that I was a reporter and asked if they sold potpourri. “We sell herbal incense,” he said. “Can it be smoked?” I asked. “No. It’s not for human consumption,” he replied before he added, “I can’t really make a comment on that. I’ve been instructed not to do news. I can’t for news reasons. I was told by my boss.” I asked if he would just show me the herbal incense. “I mean, I would just rather not,” he said.

A man came in the front door and addressed the clerk. “How’s it going, man? Can I get Ripped?” “Ten dollars,” said the clerk, handing him a thin package in exchange for the money so fast I could barely get a glimpse of it. (Amarillo police say they’re aware of substances labeled Ripped and believe they could contain K2, though they have not yet tested them.)

I went outside for 15 minutes and counted nine people, almost all young men, going in and out for no more than 30 seconds each. Days later I called the owner of the shopping center, Justin Chapman, to ask his view. “I’m in the landlord business,” Chapman said. “If it’s against the law, the authorities will shut them down, but if it’s not against the law, I’m going to leave them alone.” (Chapman later told TIME he had changed his mind and evicted Planet X and will lease the space to a restaurant.)

Marijuana has been in use for centuries, and its common side effects—like red eyes and increased appetite—are well known. Though opponents cite concerns that it can serve as a gateway drug and harm developing teen brains, at least on the spectrum of mood-altering substances pot is considered relatively safe. That has helped enable the movement that legalized recreational marijuana in Washington and Colorado.

Synthetic cannabinoids are a different matter. Doctors say symptoms caused by these drugs include vomiting, seizures and excessive heart rate. U.S. emergency rooms saw 11,406 visits involving synthetic cannabinoids in 2010, the latest year for which data is available, according to the federal Substance Abuse and Mental Health Services Administration, which had not tracked the substances before that year. That figure is a fraction of the 2.3 million drug-related ER visits overall, though SAMHSA notes that synthetic-related visits may be undercounted because of hospitals’ limited ability to screen for the substances.

Law-enforcement authorities, chemists and forensic toxicologists often compare synthetic drug use to Russian roulette, with risks ranging from injury to death. Assessing the threat from any specific compound is difficult; these are not pharmaceuticals subject to safety trials but instead are endless variations cooked up by chemists with no regard for how they might harm the human body.

“Your kids are being experimented on,” says Rannazzisi, the DEA point person on synthetics who heads the Office of Diversion Control. “They cause physical harm, mental harm and death.”

The research is limited, but it is also worrisome. A January 2014 study in the peer-reviewed journal Forensic Science Review surveyed research findings about the biological effects of cannabinoids and described “growing toxicological and pharmacological evidence of impairment, psychosis, tissue injury and isolated deaths attributable to this emerging class of drugs.” In 2012, a paper in the peer-reviewed journal Academic Forensic Pathology attributed the death of a 17-year-old male who had smoked a synthetic cannabinoid to cardiac arrest “as the result of the toxic effects of synthetic cannabinoids.” That study was considered notable for being the first to use toxicology testing to link a cannabinoid to a victim’s death.

Even though nearly everyone agrees about the dangers of synthetics, authorities say combatting them is far from simple. Makers in Asia, where the manufacture of most synthetics is legal, are known to ship their products—undetectable by drug-sniffing dogs—to the U.S. by UPS and FedEx. That’s one reason the U.S. has begun discussions with China about the export of these substances, according to R. Gil Kerlikowske, the former White House drug czar who is now commissioner of U.S. Customs and Border Protection. “We’ve worked pretty hard with China,” he says. “Some of those chemicals are not against the law in that particular country.”

Local cops say they struggle with how to handle stores in their communities that are selling synthetics. “[If] we knew it was illegal for sure and we could go in and seize everything they have, we would,” says Randy Mincher, an Amarillo police department undercover narcotics officer.

Randall Sims, the Potter County district attorney, also blames the legal ambiguity created when these substances are sold openly, labeled as herbal incense or potpourri. In the case of Planet X, Sims says, there simply was not sufficient evidence to prosecute. “Texas law requires that a person intentionally or knowingly deliver an illegal substance,” he says. It’s one thing to convince a jury that a seller is aware of a substance’s illegality when engaging in furtive alleyway deals. “When you step into the storefront, all of that goes away,” Sims explains. “If it says potpourri and you just walk in, you grab a bag of potpourri and you walk out, you just bought a bag of potpourri as far as the evidence that can be established in court.”
Absent criminal charges, Roni Cannon decided in October to pursue her lawsuit against Planet X. “These merchants know exactly what these people are doing with this stuff,” Cannon told me. “I’m not trying to portray my son as being an angel or that he was this super kid with a promising future,” she says. “My son had his problems. He dropped out of school. We had that rocky relationship. But that doesn’t necessarily mean that my son deserved to die this way.”

Her lawyer, Vincent Nowak, hopes for a jury trial this summer. He says he will argue that Planet X violated Texas’ Deceptive Trade Practices Act. Specifically, he will argue that store owner Whisenhunt knew Planet X was selling something dangerous and failed to warn Jesse. To Nowak, the idea that anyone takes the product labeled potpourri in Planet X at face value defies credulity. “It smells like dog sh-t,” he says.

Whisenhunt did not return repeated calls for comment. His attorney, David Martinez, tells Time his client didn’t sell synthetic pot to anyone, period, let alone to Cannon’s son, despite the crime-lab findings in the Amarillo police report on the Gorilla Dro Po Po bust. “What I’m telling you is that there are no known cannabinoids in the product they are selling. That stuff gets tested... If the lab results confirm that there are no cannabinoids under the Texas or federal statute, then they can legally sell the stuff,” Martinez says.

So what is the product that Planet X is selling? “To make a place smell good,” Martinez says. “Same stuff they sell at Walmart.” I tell him that based on the per-gram price, Planet X appears to be selling potpourri at something like $280 an ounce. (An ounce of potpourri at Walmart costs about 40¢.) Martinez’s response: “There must be something in it that people like.”

**COMBATTING THE SPREAD OF DANGEROUS SYNTHETIC DRUGS**

Combating the spread of dangerous synthetic drugs will require new approaches to law enforcement. Accepting that it has become impossible to draft laws that list every possible illegal drug, many states have adopted their own versions of federal laws that make it unlawful to sell a drug that is substantially similar chemically to a substance on the banned list. In theory, this allows prosecution over synthetics that have not been specifically identified. In practice, it’s difficult: these cases require expert testimony from chemists who argue in court over a drug’s chemical structure—a challenge for juries.

So the next step, many drug experts say, is to take the science out of the courtroom. Instead of focusing on the contents or makeup of the synthetic drugs, this new strategy goes after the way they are sold.