



Mountain Plains (HHS Region 8)

**PTTC**

Prevention Technology Transfer Center Network  
Funded by Substance Abuse and Mental Health Services Administration

# Cannabis Laws/Policies: Federal and Regional Update and Using SPF and Prevention Science to Inform Policy



Presenter:

**Scott Gagnon, MPP, PS-C**

Director, New England PTTC

AdCare Educational Institute of Maine, Inc.



## Grow Your Knowledge: Cannabis Prevention, Policy, and Pharmacology

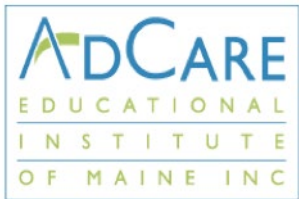
*3-Part Webinar Series*

# Cannabis Laws/Policies: Federal and Regional Update and Using SPF and Prevention Science to Inform Policy

Scott M. Gagnon, MPP, PS-C | @ScottMGagnon

**New England Prevention Technology Transfer Center**

AdCare Educational Institute of Maine, Inc.



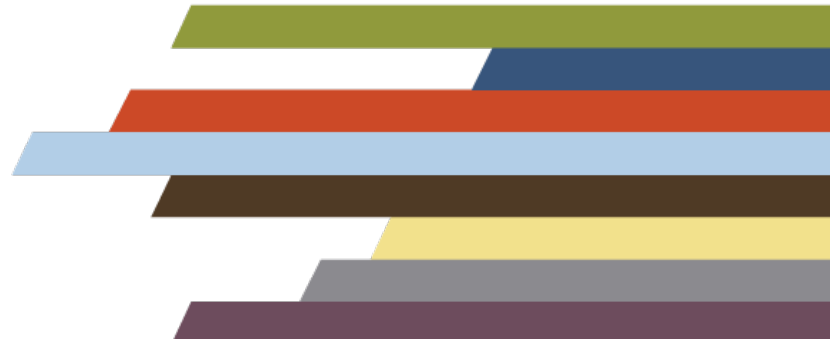
March 11th, 2020



New England (HHS Region 1)

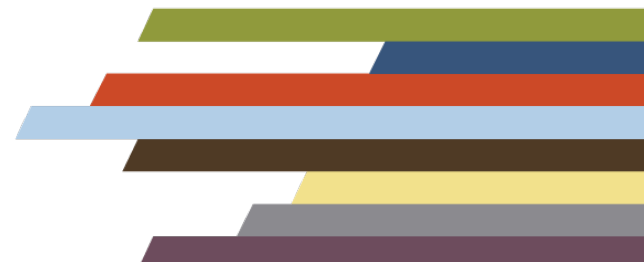
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# What we will cover

- Discussion of the stages of state marijuana legalization laws and the multiple layers of marijuana policy.
- Discussion of the importance of prevention to take a leading role in identifying public health issues emerging from commercialization & legalization policies
- Discussion of the intersection of policy and prevention and how we approach marijuana prevention in the era of commercialized marijuana.



**ABOUT ME...**

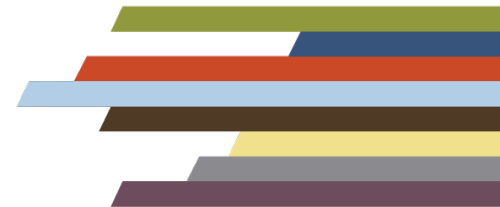
- Master's Degree, Public Policy
- Certified Prevention Specialist
- Director, AdCare Educational Institute of Maine, Inc
- Director, New England Prevention Technology Transfer Center
- Chair, PTTC Network Marijuana Risk Work Group
- Maine Marijuana Advisory Commission



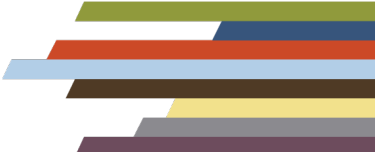
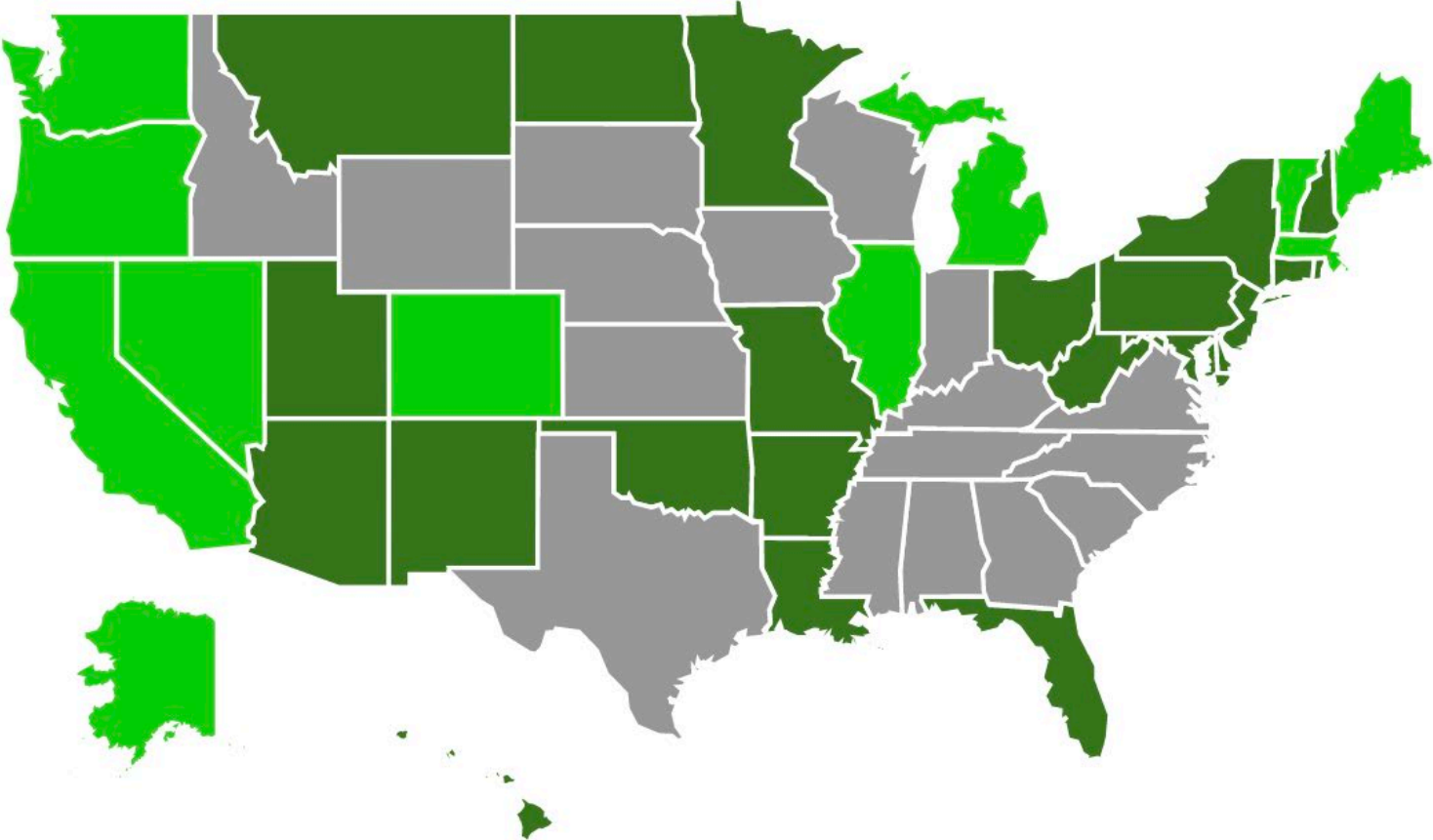
- Former Chair, Smart Approaches to Marijuana, Maine
- Former Chair, Mainers Protecting Our Youth and Communities
- Marijuana science trainer – New England ATTC
- Former Drug policy blogger – Bangor Daily News

# Terminology

- In this presentation I will use the term “Adult-Use Marijuana” to refer to what is commonly referred to as “Recreational Marijuana”
- In the opinion of this presenter, “Recreational” is a normalizing term.



# Marijuana Policy Across the Nation





# Mountain Plains marijuana policy at a glance

|                     | Adult – Use Legalized?  | Medical Marijuana Legalized? <sup>tt</sup>  |
|---------------------|---|---|
| <b>Colorado</b>     | <b>Yes</b><br>Possession Limit: 1 oz<br>Dispensaries Allowed <sup>ttt</sup> | <b>Yes</b> - Possession Limit: 2 ozs; 6 Plants<br>Dispensaries Allowed  |
| <b>Montana</b>      | <b>No</b>   | <b>Yes</b> - Possession Limit: 1 oz; 4 Mature Plants & 12<br>Seedlings<br>Dispensaries Allowed  |
| <b>Utah</b>         | <b>No</b>   | <b>Yes</b> - Possession Limit: lesser of a) 30-day supply as<br>recommended by physician or b) 4 ozs of flower or<br>20 grams of THC<br>Dispensaries Allowed <sup>ttt</sup> |
| <b>Wyoming</b>      | <b>No</b>   | <b>No</b>   |
| <b>North Dakota</b> | <b>No</b>   | <b>Yes</b> - Possession Limit: 3 oz per 14 day period<br>Dispensaries Allowed   |
| <b>South Dakota</b> | <b>No</b>   | <b>No</b>   |

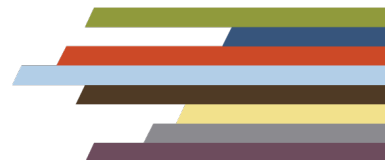
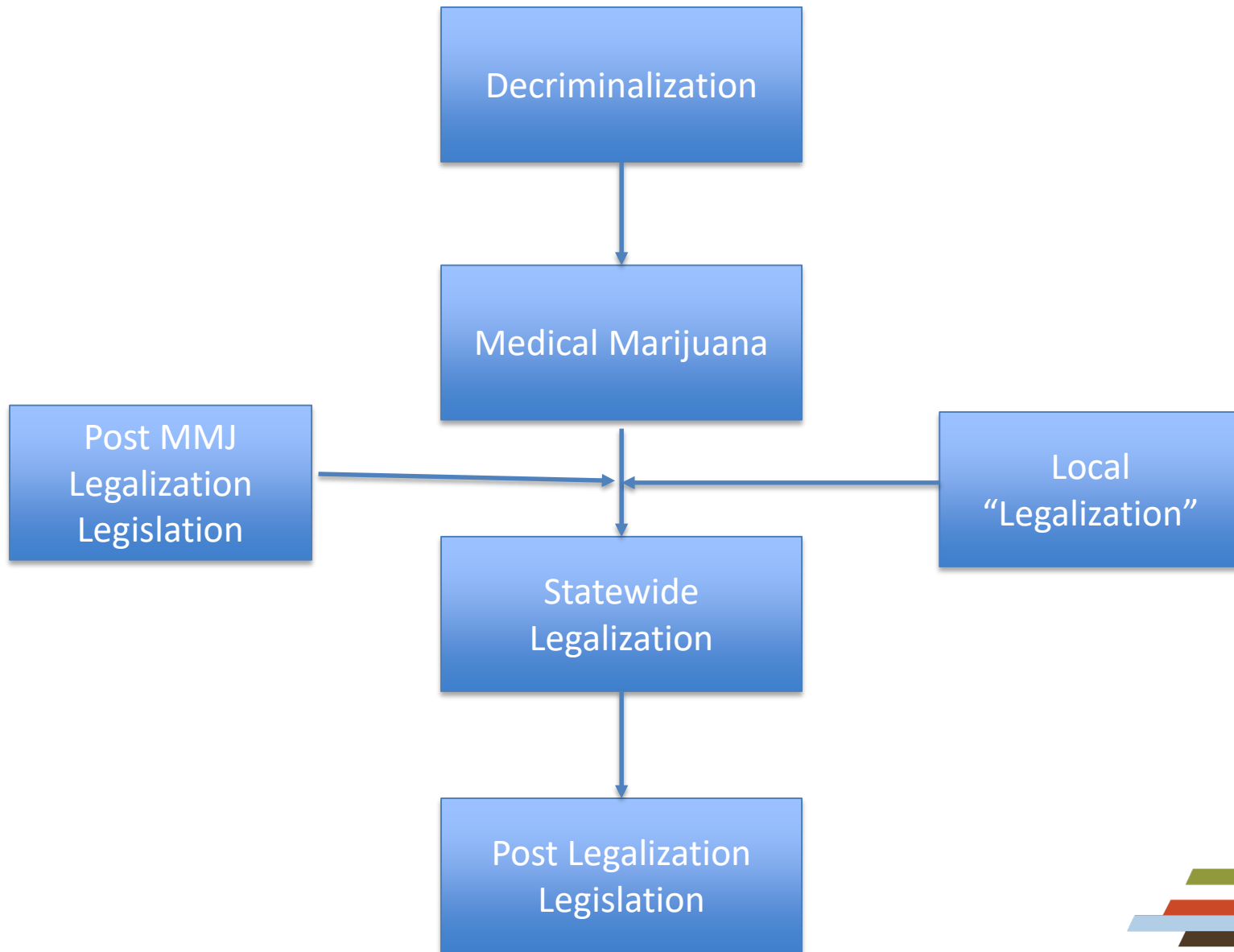
<sup>t</sup>Source: <https://www.colorado.gov/pacific/marijuana/laws-about-marijuana-use>

<sup>tt</sup>Source: Medical Marijuana Programs – Summary Matrix, The Network for Public Health Law: <https://www.networkforphl.org/resources/medical-marijuana-programs/>

<sup>ttt</sup>Source: H.B. 3001 Utah Medical Cannabis Act: <https://le.utah.gov/~2018S3/bills/static/HB3001.html>



# The Marijuana State Legalization Life Cycle



Maine as an example...

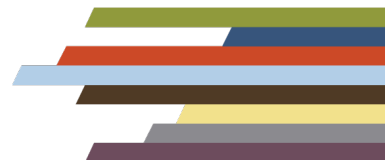
# MARIJUANA POLICY IN MAINE



1970s – Decriminalization

1999 – Legalization of Medical Marijuana Possession

2009 – Legalization of Medical Marijuana Dispensaries & Caregivers



2013 – Present Day

# THE MARCH TOWARDS ADULT-USE LEGALIZATION



## 2013

Posted November 5, 2013

### Portland voters legalize marijuana

The 'Yes' vote wins in a landslide, claiming 67 percent of the tally with many of the precincts reporting.

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## 2014

**LOCAL ELECTIONS >** Posted November 4, 2014 | Updated November 5, 2014

### Pot legalization approved in South Portland, defeated in Lewiston

The votes on making it legal for adults to possess small amounts of marijuana are largely symbolic.

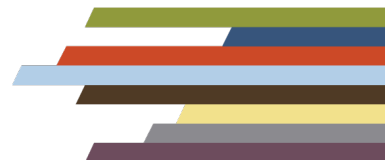
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## 2016

**POLITICS >** Posted November 10, 2016 | Updated September 13, 2017

### Maine voters legalize recreational use of marijuana by razor-thin margin

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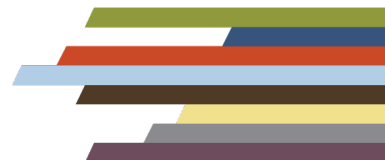
# The Three Stages of Legalization

- Stage 1: Campaigns (Legislature or referendum)
- Stage 2: (if it passes) Implementation
- Stage 3: Post-Implementation Changes
  
- This applies to both medical marijuana legalization and adult-use legalization initiatives

# **STAGE 1 - CAMPAIGNS**

# Stage 1 - Campaigns

- National and state groups promoting a legalization initiative.
  - Two prominent national groups are the Marijuana Policy Project and the Drug Policy Alliance
- Campaigns will include media, social media, public events, op-eds, and other methods
- Legalization campaigns tend to get a lot of coverage in all forms of media.



# Common narratives in the public conversation about legalization



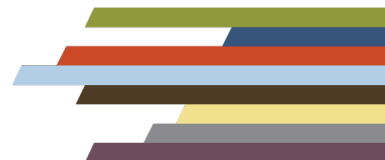


# What generally goes missing, or understated, in the public conversation about marijuana policy...

- Addiction
- Impact on health
- Impact on Community and Kids
- Social Costs
- Impairment

This is where prevention comes in!

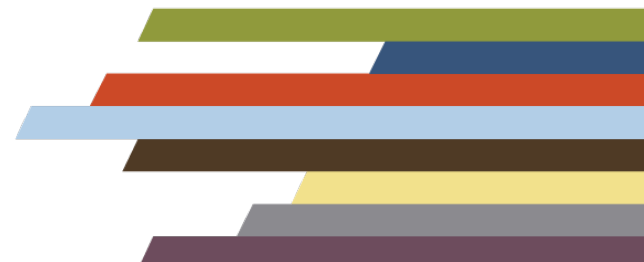
We need to tell this story!



There's a lot at stake when it comes to the changing marijuana policies in our states.

We can't wait until after legalization to talk to our communities about the impact of marijuana on youth, public health, and communities.

But there may be reluctance for prevention to engage in this conversation, Why?



**CONTROVERSY**

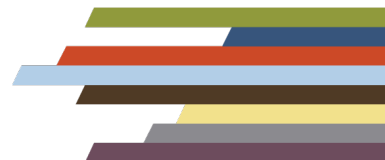


**We don't know what the final laws and rules will be yet. We should wait...**



# Think about it this way...

- We are the experts the public needs to hear from in terms of the risks associated with marijuana.
- Without us, this story will not be told, and that vacuum will be filled with...

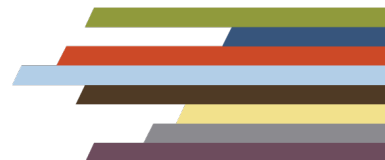




**STAGE 2 – (IF IT PASSES)  
IMPLEMENTATION**

# Stage 2: Implementation

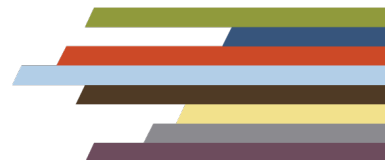
- Typically two stages
  - Implementation legislation to set the direction for rules and regulations
  - Rule-making by the governmental department or office that will oversee marijuana commercialization and licensing
- Think of implementation legislation as the outline of what legalization implementation will look like. The rules are the finer details and specifics of how it will be managed by the state.





# Stage 2: Implementation

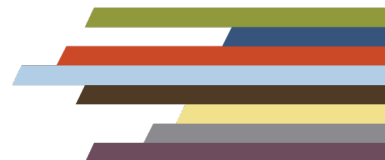
- Typically there will be hearings for both the implementation bill and the proposed rules.
- Both are opportunities for the public to weigh in during hearings.
- Important opportunities for the public health and public safety concerns to be given voice.



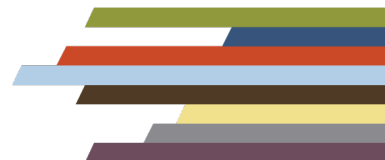
# Education Can Have an Impact

Changes made to the Maine Marijuana Legalization Act during the legislative phase of implementation

- Social clubs were eliminated.
  - Concern – Impaired Driving
- Strengthening of regulations for labeling, packaging, and advertising.
  - Concern – Appeal to youth
- Complete prohibition of <21 entering any portion of a licensed retail marijuana operation.
  - Concern – Youth access to retail marijuana



**ONE MORE POINT ABOUT STATE  
LEGALIZATION LAWS AND  
POLICIES..**



There's what's in the law and then  
what's NOT in the law

# LOOPHOLES

Examples:

- Marijuana gifting loophole
- Maine marijuana legalization act lawful youth possession loophole

years of age or older solely for that person's consuming marijuana outside of the school's, employer's or landlord's property.

**4. Person may not be denied parental rights and responsibilities or contact with a minor child.** A person may not be denied parental rights and responsibilities with respect to or contact with a minor child as a result of acting in accordance with this chapter, unless the person's conduct is contrary to the best interest of the minor child as set out in Title 19-A, section 1653, subsection 3.

**Sec. 2. 22 MRSA §2383, sub-§1,** as repealed and replaced by PL 2009, c. 652, Pt. B, §6, is repealed.

**Sec. 3. 36 MRSA §1817** is enacted to read:

**§1817. Taxes on retail marijuana and retail marijuana products**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Retail marijuana" has the same meaning as in Title 7, section 2442, subsection 34.

B. "Retail marijuana product" has the same meaning as in Title 7, section 2442, subsection 37.

C. "Retail marijuana social club" has the same meaning as in Title 7, section 2442, subsection 39.

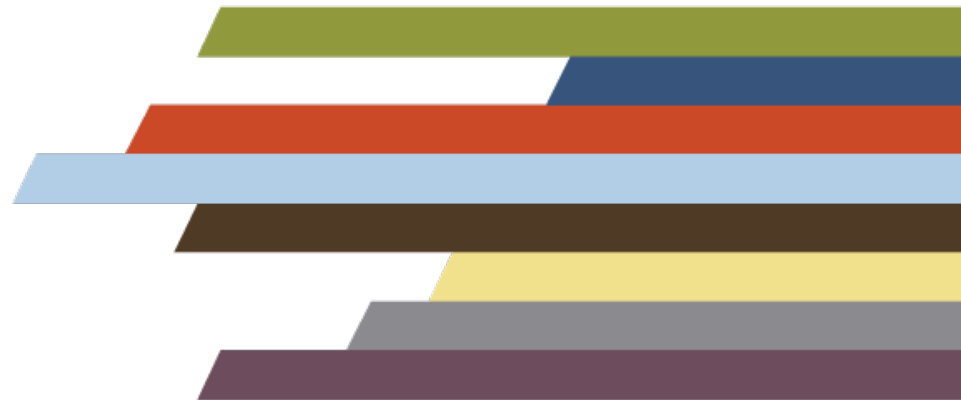
D. "Retail marijuana store" has the same meaning as in Title 7, section 2442, subsection 40.

E. "State licensing authority" has the same meaning as in Title 7, section 2442, subsection 44.

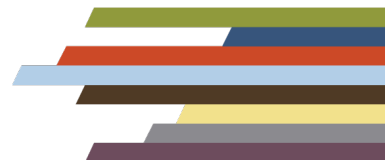
**2. Sales tax on retail marijuana and retail marijuana products.** The sales tax on retail marijuana and retail marijuana products is 10% and is the only tax charged on the sale of retail marijuana and retail marijuana products at the point of final sale at a retail marijuana store or retail marijuana social club.

# Rules & Regulation Watch-Outs

- There may be provisions in the implementation legislation that look good on paper, in terms of public health.
- However, the finer details in the rules and regulations may make those ineffective.



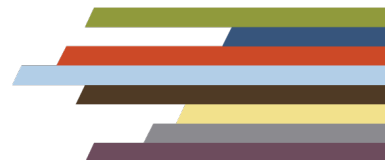
# **STAGE 3: POST-IMPLEMENTATION CHANGES**





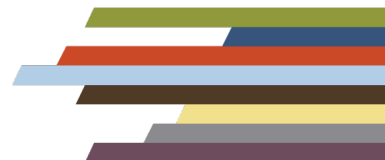
# Legalization isn't the end of the story...

- Changes to marijuana legalization laws may be introduced immediately after implementation.
- With marijuana commercialization comes lobbyists - industry will constantly be looking for changes that will increase their profitability
- This will often come at the cost of public health.



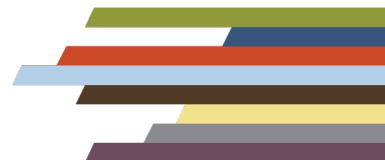
# Examples from Maine: Changes to Maine Medical Marijuana Laws After Initial Passage

- List of approved conditions was eliminated from the law.
- Patient cap for medical marijuana caregivers eliminated
- Statewide cap on medical marijuana dispensaries goes away in 2021



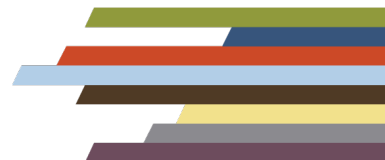
# Proposed Legislation to Change Maine Adult-Use Marijuana Laws

- Reduce buffer between licensed marijuana operations and schools from 1,000 feet to 300 feet
- Allow for delivery sales (currently prohibited in Maine's adult-use legalization law)



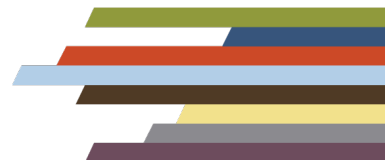
# Marijuana Policy Literacy is Critical

- Critical for prevention professionals to read and understand the marijuana laws and rules being proposed and passed in their state & communities.
  - Legalization initiatives
  - (If passed) legalization implementation laws
  - (If passed) Proposed rules and regulations
  - On going proposed changes to medical marijuana or adult-use marijuana laws, rules, and regulations.
- Do you have partners or partner organizations with legal expertise? Seek their assistance in the review

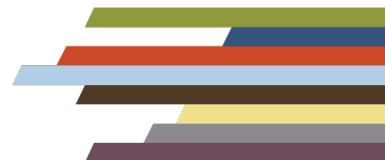


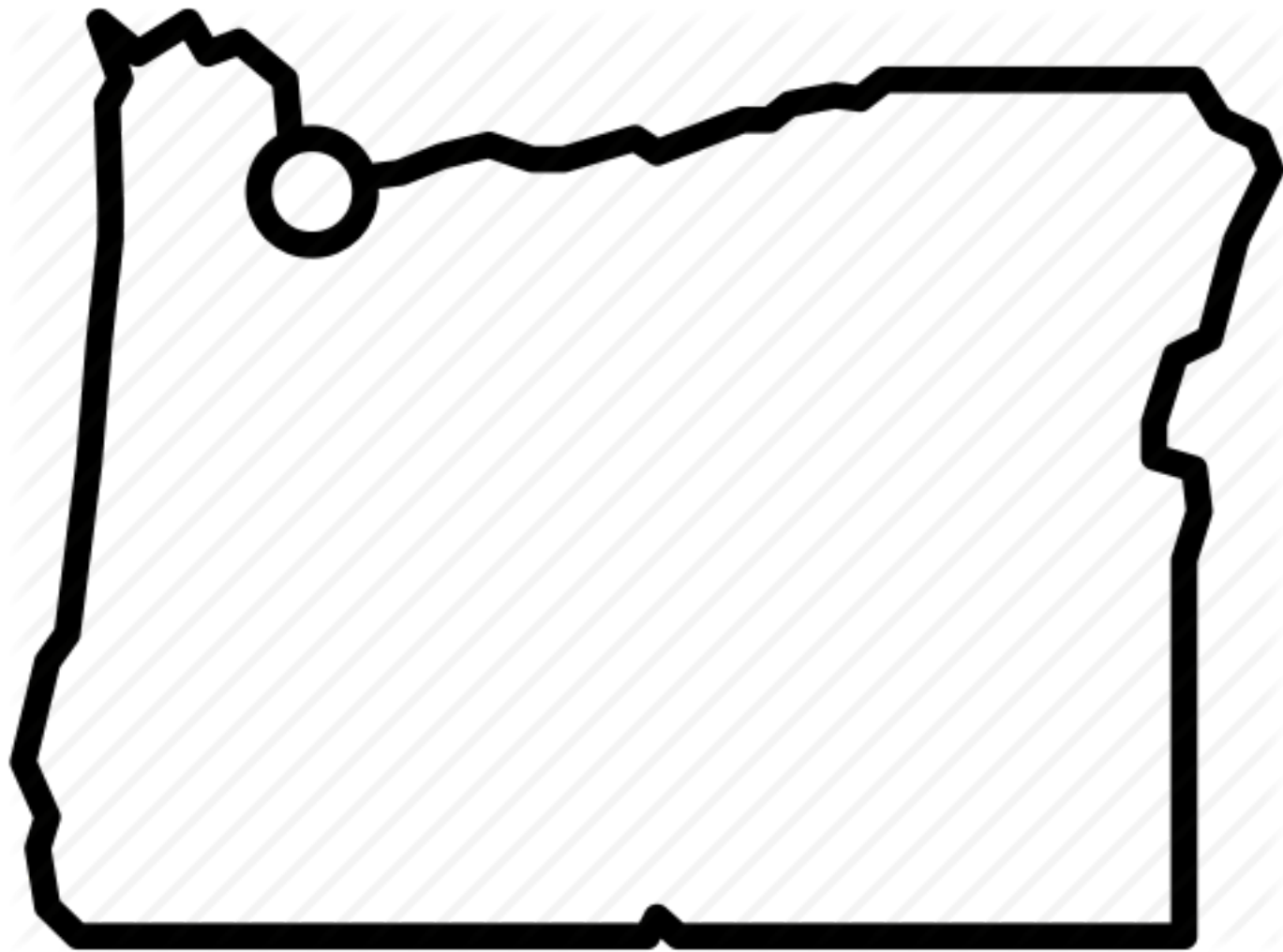
# Marijuana Policy Literacy is Critical

- Look for provisions that will impact risk and protective factors.
  - Examples: Advertising, labeling, packaging, buffer zones, possession limits, age limits, plant limits, local control options, license types (e.g. social clubs allowed?), etc.
- Bottom line: These policies will have big impact, you need to know what's there (and what's not there.)



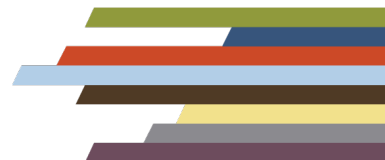
# **LET'S LOOK AT A COUPLE OF EXAMPLES OF HOW STATE MARIJUANA POLICIES IMPACT PUBLIC HEALTH**





# Too much legal marijuana: Last year's harvest alone may give Oregon a pot surplus of more than 1 billion joints

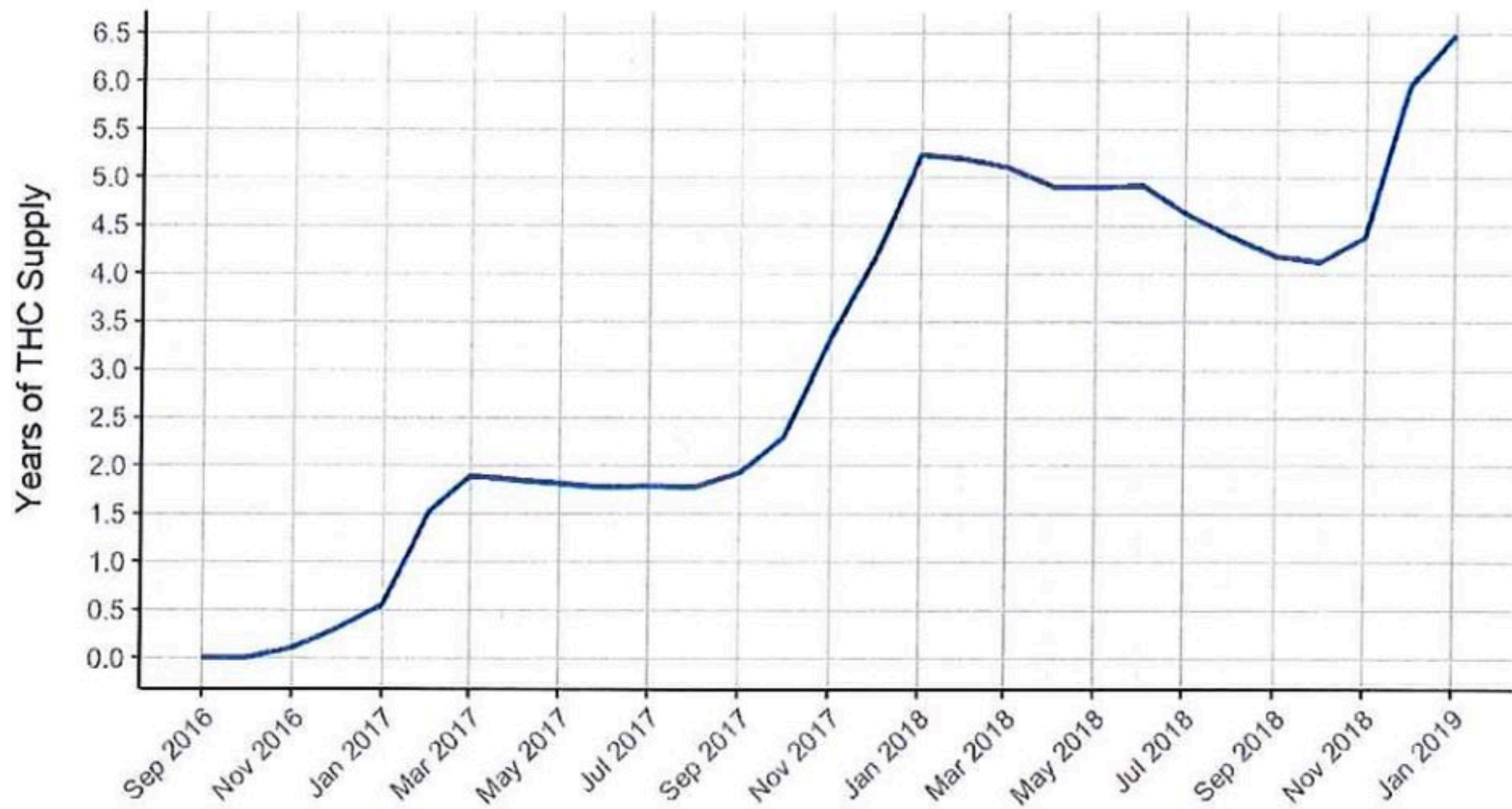
Source: <https://www.chicagotribune.com/business/ct-biz-oregon-too-much-marijuana-20190531-story.html>





# Oregon Is Producing Twice As Much Cannabis As People Are Using

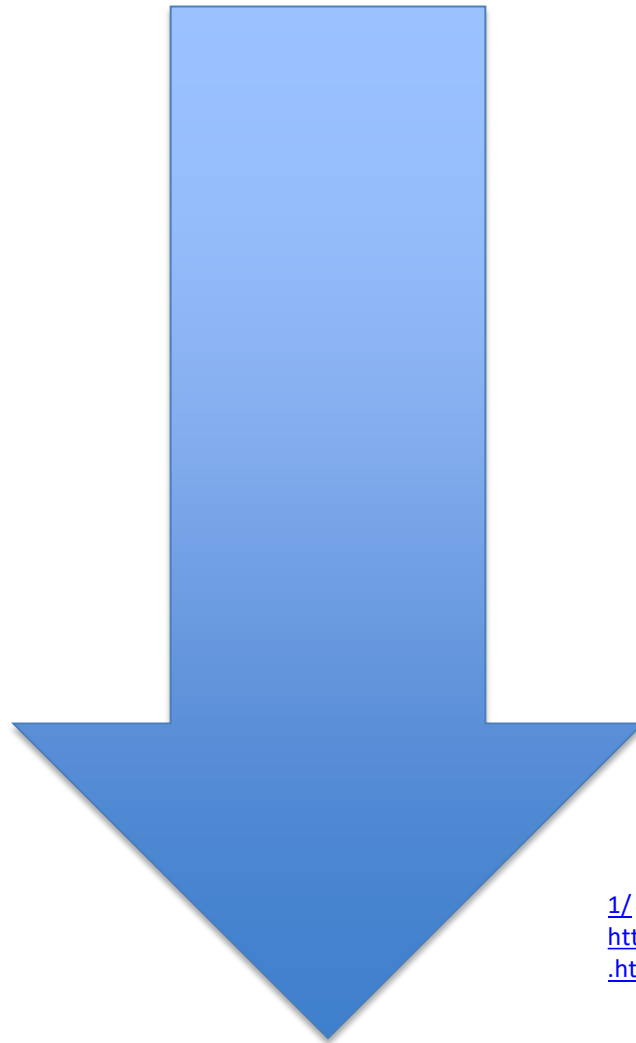
by **Kristian Foden-Vencil** [Follow](#) OPB Jan. 31, 2019 noon | Updated: Jan. 31, 2019 4:14 p.m. | Portland, Ore.



Source: <https://www.opb.org/news/article/oregon-cannabis-surplus-2019/>

# Overproduction Means Plunging Prices

In 3 years price of marijuana Oregon went from \$10/gram to less than \$5/gram

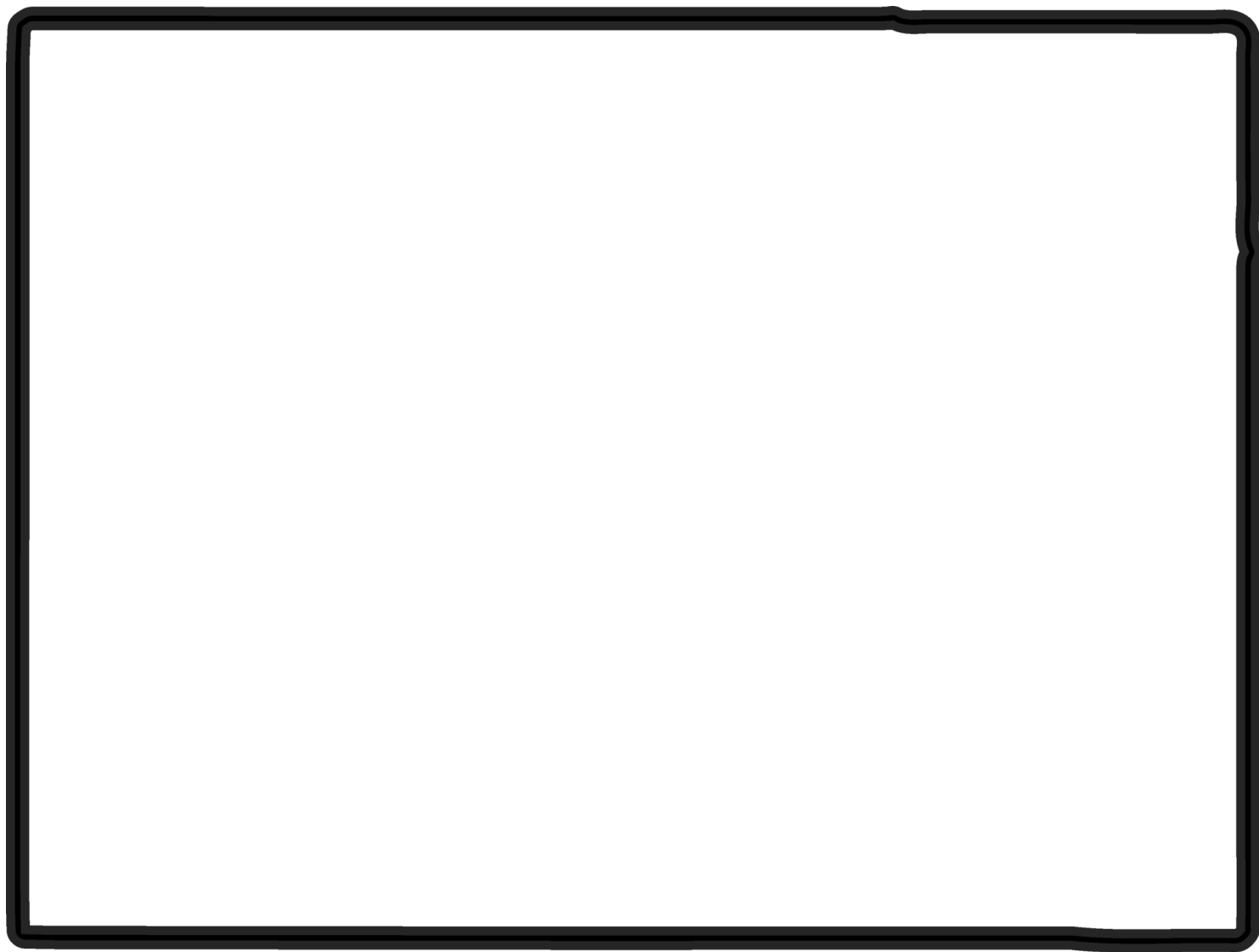


Alcohol research establishes influence low prices have on underage use and over use/high risk use amongst adults.<sup>1</sup>

<sup>1/</sup>  
<https://www.cdc.gov/policy/hst/hi5/alcoholpricing/index.html>

# Example policy to prevent pot glut:

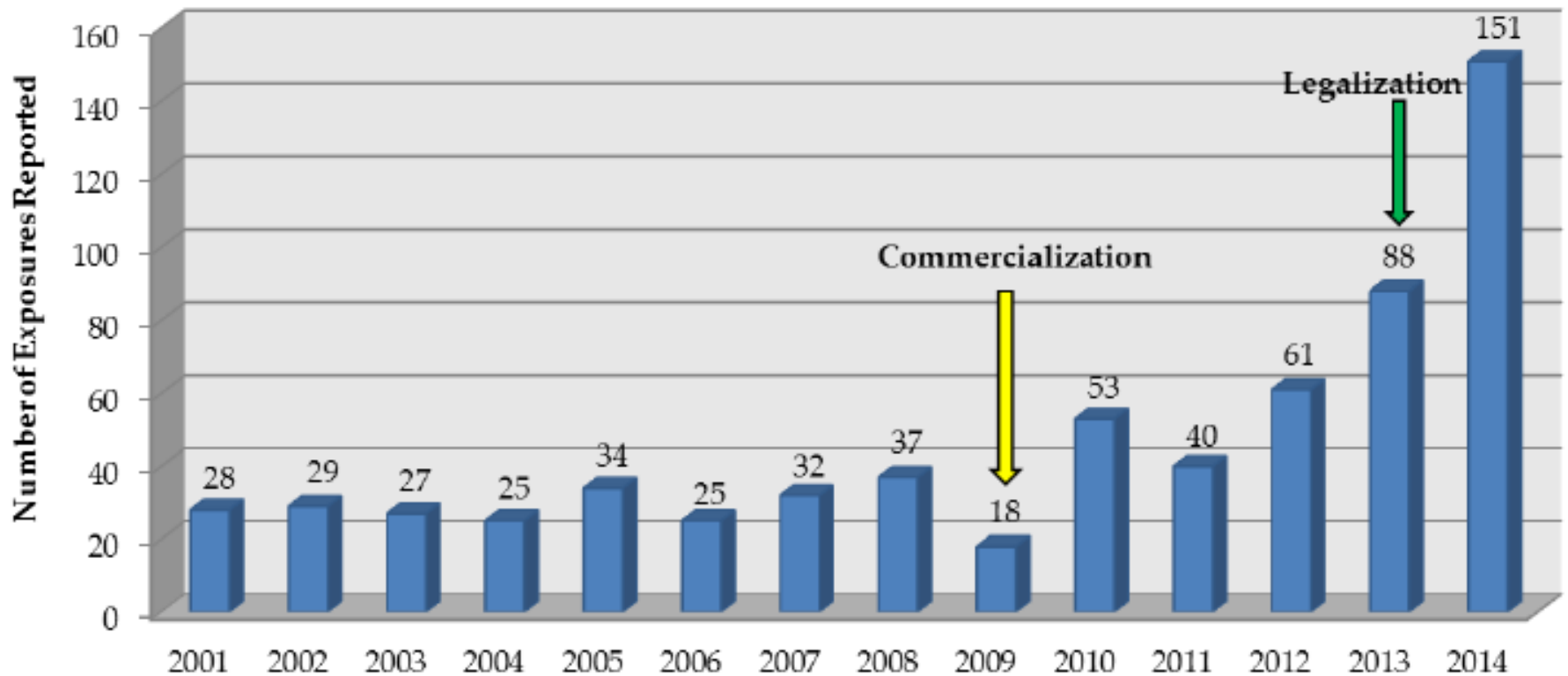
- “Tiers of cultivation facility license types:
- Tier 1 – up to 30 mature plants or 500 SF of plant canopy
- Tier 2 – up to 2,000 SF of plant canopy
- Tier 3 – up to 7,000 SF of plant canopy
- Tier 4 – up to 20,000 SF of plant canopy
- **Need to show sales of 85% of product over the current period of licensure to apply for increase in cultivation tier upon license renewal.**







## Number of Exposures Reported for Marijuana Only



**SOURCE:** Colorado Department of Public Health and Environment, *Monitoring Health Concerns Related to Marijuana in Colorado: 2014* via Rocky Mountain Poison and Drug Center



## Example policies to prevent youth exposures: packaging/labeling requirements

- Must be labeled with a universal marijuana symbol, health and safety warnings, batch number, information on the amount of THC and cannabidiol (CBD) per serving.
- Must be packaged in child-resistant and tamper-evident packaging.
- May not be labeled or packaged in a manner designed to appeal to persons under 21 years old.
- Packaging may not depict a human, animal, or fruit.
- May not make health or physical benefit claims.
- Edible marijuana products may not be manufactured in the distinct shape of a human, animal, or fruit.



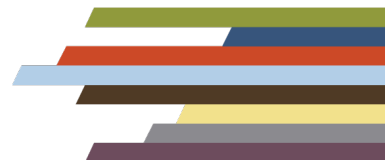
# Multiple layers of policy

Federal

Municipal/local

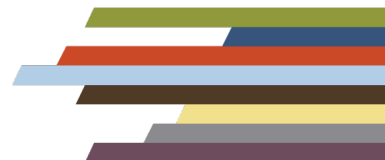
State

Organizational



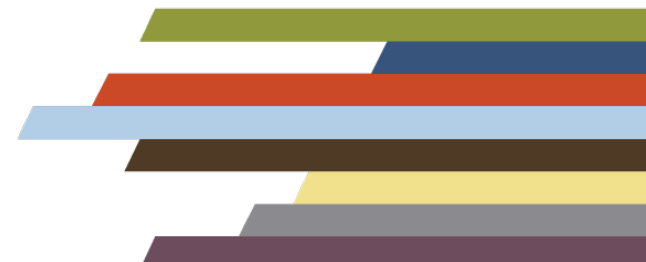
Other layers of marijuana policy

# **MUNICIPAL POLICY**

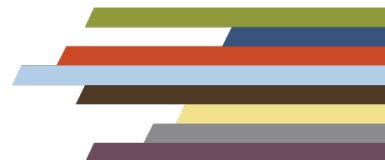


# Policy at the municipal level

- After legalization municipalities have many issues to consider:
  - Opt In or Opt Out of allowing retail sales in the community
  - Zoning
  - Local rules and guidelines
  - Local enforcement
  - Buffer zones around schools
  - Smell/nuisance ordinances
  - Parcel limits for home grows
  - Local licensing fees

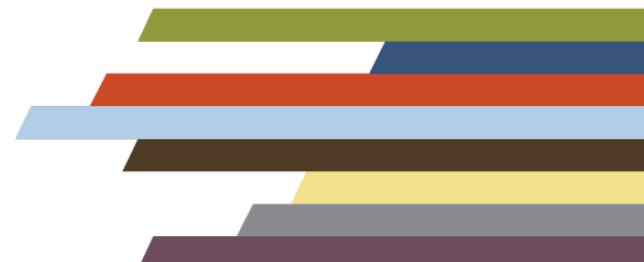


# **ORGANIZATIONAL POLICY**



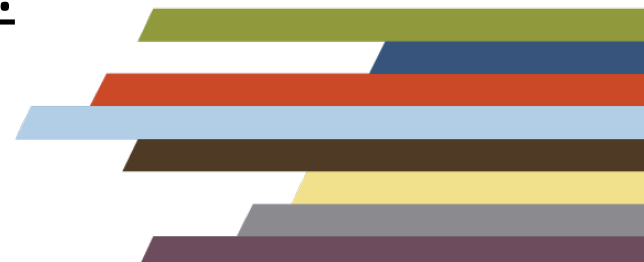
# What types of organizations and institutions need to consider marijuana policies?

- Housing
- Education
  - K-12
  - Colleges & Universities
- Employers
- Healthcare
- Transportation
- What else?

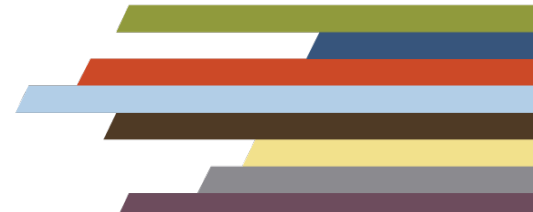


# And if there are new policies...

- Training
- Communication Strategies
- Monitoring & Evaluation
- Strategy for periodic review/revision of policies.
- Prevention professionals and prevention coalitions can and should support their local organizations in developing these.



# **PREVENTION IN THE ERA OF LEGAL CANNABIS: USING THE TOOLS WE HAVE**





## ROLE OF COALITIONS IN BEHAVIORAL HEALTH

### BUILDING ON CADCA'S SEVEN STRATEGIES FOR COMMUNITY CHANGE:

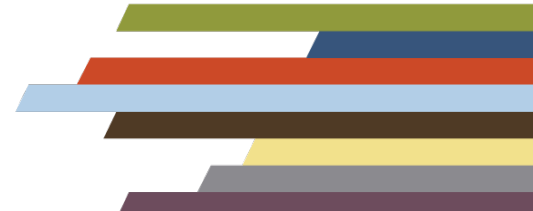
- Providing Information
- Enhancing Skills
- Providing Support
- Enhancing Access/Reducing Barriers
- Changing Consequences (Incentives/Disincentives)
- Physical Design
- Modifying/Changing Policies



# INTERVENING VARIABLES

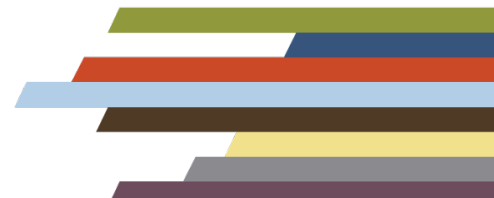
What are intervening variables?

Intervening variables are those groups of factors that have been found in research to contribute to substance use.



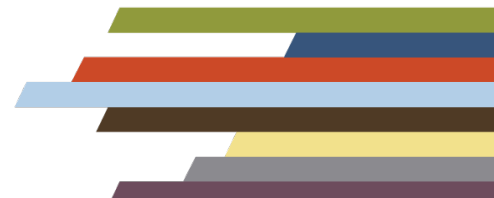
# Intervening Variables for Legalized/Commercialized Marijuana

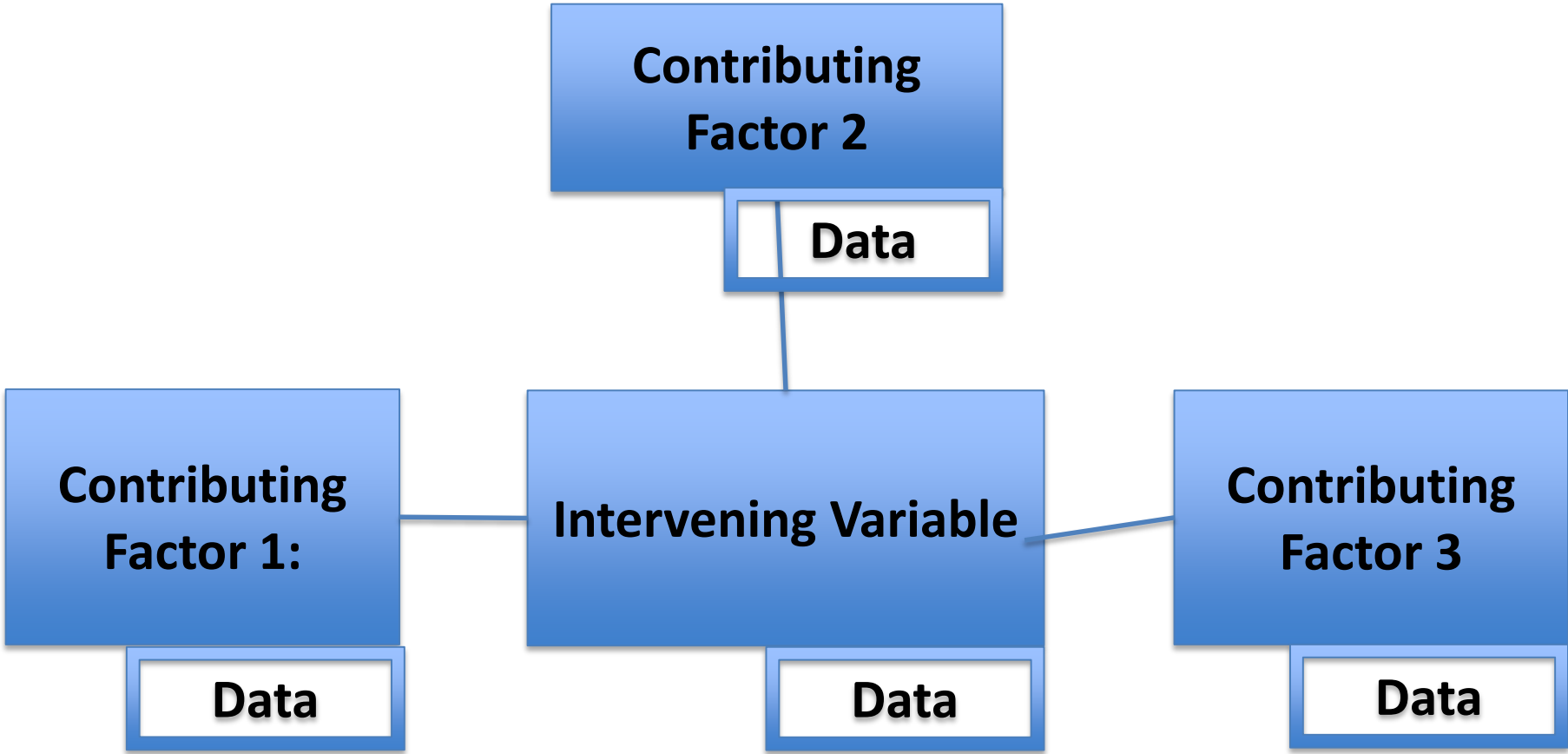
- Low Perception of Risk/Harm
- Retail Access
- Social Access
- Pricing & Promotion
- Policies & Enforcement
- Norms favorable to youth substance use (Community & Family)



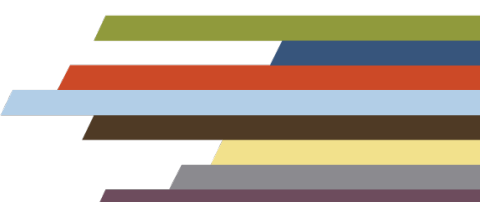
What is going on in the community to make the intervening variable an issue?

## **CONTRIBUTING FACTORS**

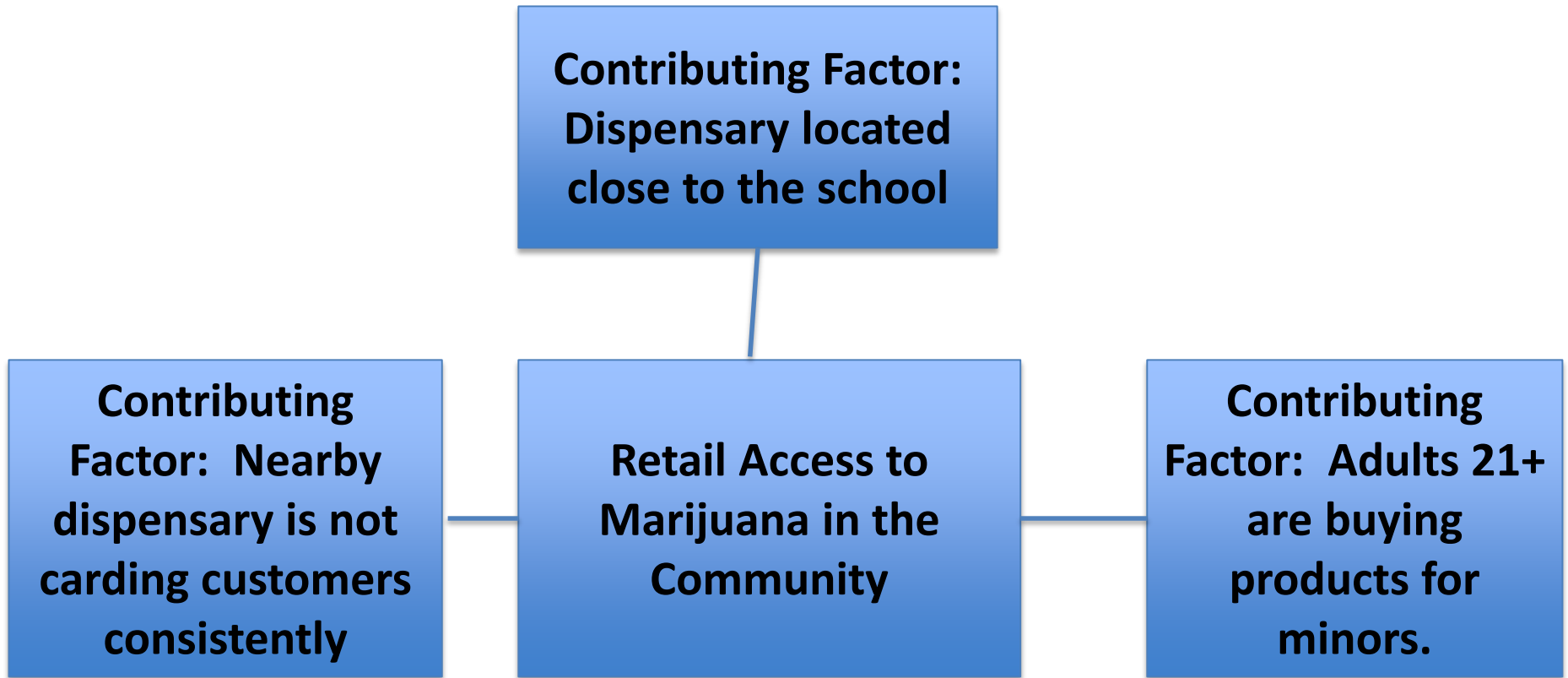




There may be more, or fewer, contributing factors at play. This is where a thorough community needs assessment is critical. What does the data tell us?

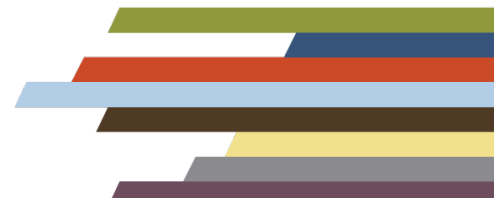


# Let's look at an example:

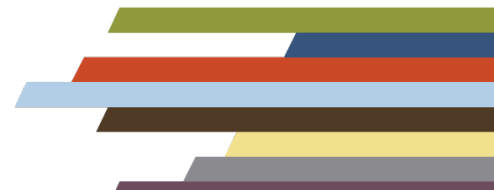


Are there others you can think of?

Are there others you are seeing in your community?



# **SELECTING PREVENTION STRATEGIES**

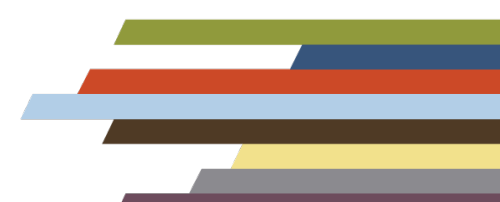


# Seven Strategies for Community Change

- Developed by CADCA & the University of Kansas Work Group on Health Promotion & Community Development
  - Provide Information
  - Enhance Skills
  - Provide Support
  - Reducing access/enhancing barriers
  - Change consequences (incentives/disincentives)
  - Change physical design
  - Modify/change policies

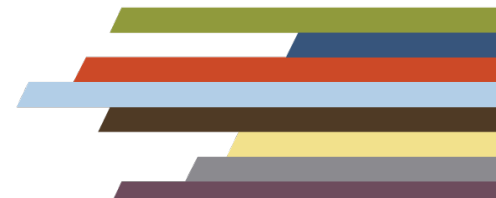
Source:

<https://www.cadca.org/sites/default/files/files/spfandenvironmentalstrategies.pdf>



# Example: Nearby Dispensary is not carding customers consistently

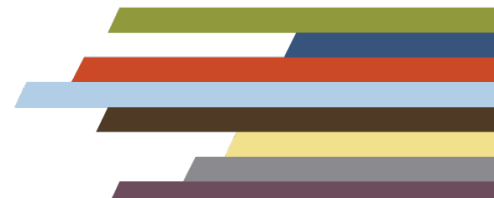
- **Provide Information** – Town Hall on effects of marijuana on youth including importance of preventing retail access.
- **Enhance Skills** – Develop and implement Responsible cannabis service training for dispensary clerks
- **Provide Support** – Tip line to anonymously report underage sales
- **Enhance access/reduce barriers** – Technology and training for dispensaries to detect fake IDs.





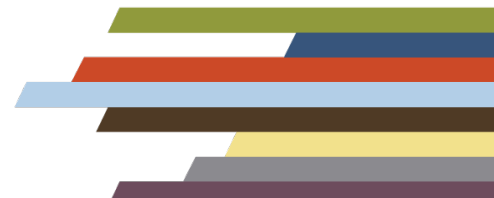
# Continued...

- **Change consequences (incentives/disincentives)**  
fines for dispensary owners when there are youth sales OR incentives for owners & clerks for 100% compliance rate
- **Change physical design** – Store design that minimizes youth entrance, requires carding at entrance
- **Modify/change policies** –Municipal policy requiring all staff of dispensaries are trained in responsible service.



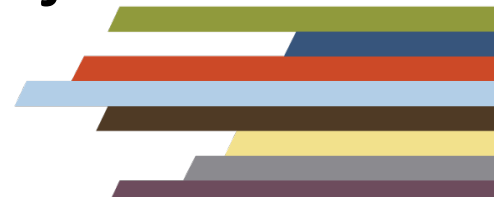
Some final thoughts...

**IF STATES DO LEGALIZE, WHAT ARE THE OPPORTUNITIES FOR POLICIES TO MITIGATE ISSUES AND PROTECT PUBLIC HEALTH?**



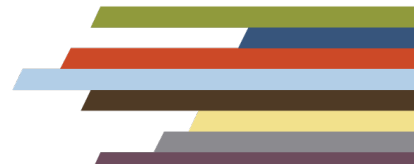
# Opportunity for policies

- State level (some examples):
  - Require the collection and monitoring of public health data
  - Require strict standards and regulations for packaging, labeling, and advertising
  - Require training for dispensaries
  - Using revenues to fund prevention & education
  - Buffer zones between retail marijuana & schools & daycares



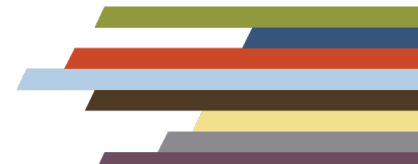
# Opportunity for policies

- Municipal level for cities/towns opting in to sales:
  - Require as a condition of municipal licensing server/seller type training for all dispensary staff
  - Thoughtful zoning to prevent store fronts in family friendly areas
  - Restrictions on signage/advertising
  - Strong policies for public/municipal recreation areas
  - Requirements and standards for securing and obscuring home grows



# Evidence-Based Resources for Marijuana Prevention

- [PTTC Network Marijuana Prevention Education Toolkit](#)
- SAMHSA Evidence-Based Resource Guide: [\*\*Preventing the Use of Marijuana: Focus on Women and Pregnancy\*\*](#)
- [Updated Inventory of Programs for the Prevention and Treatment of Youth Cannabis Use, Washington State Institute for Public Policy \(2019\)](#)
- [Preventing Youth Marijuana Use: Programs and Strategies, CAPT \(updated 2017\)](#)

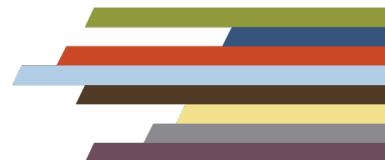


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# Thank You

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