



## Ordinance Highlights from Across California

Many localities are taking progressive action to limit the harms that can accompany cannabis legalization. Some positive examples include:

### Prohibited Products



- Contra Costa County: No flavored combustible products (intended for inhalation or vaporization)
- Mammoth Lakes: No products "attractive to youth or children"
- Mono County: No cannabis-infused beverages
- Pasadena: No ready-to-drink cannabis-infused beverages

### Retailers are Specialized Businesses Only



- Most states that have legalized
- Contra Costa County
- Mammoth Lakes
- Mono County

### Buffers Between Retailers



- Hayward: 1,000 feet
- Pasadena: 1,000 feet
- San Diego: 1,000 feet

### Revenue Use Specified



- San Francisco: Community Reinvestment Fund (allocated or donated monies to be used for assisting orgs that work to address the impact of inequitable and racist arrests, generational poverty, housing, etc.)
- San Joaquin County – November 2018 Ballot Measure B: Special tax proposed "To support early childhood education, drug prevention, literacy, and other programs for children and youth; public health; public safety and enforcement of cannabis laws."

### Equity Concerns



- California: Legislation passed in 2018 (AB-1793) will automatically expunge prior cannabis convictions meeting certain criteria
- Los Angeles, Sacramento, Oakland & San Francisco: Licensing priority given to equity applicants

### Caps on Retailers



- San Diego (city): Max 4 retailers per 9 council districts (1:37,000)
- Pasadena: Max 6 retailers (1:27,000)
- Coachella: Max 4 retailers (1:11,250)

### Buffers from Youth-Serving Facilities



- Merced 1,000 ft from schools; 600 ft from libraries or youth centers
- Pasadena: 600 ft from substance abuse treatment facilities, libraries or churches
- San Diego: 1,000 ft from parks, churches, playgrounds or libraries

### Prescriber Conflict of Interest



- Blythe: No physician on site for evaluating or prescribing
- Mono County: No prescriber on premises
- San Francisco: No physician recommendation can be sought, provided procured or obtained on premises & no business agreements with physicians



## Principles for a Public Health & Equity Approach to Cannabis Regulation

BY LEARNING FROM EXPERIENCE IN TOBACCO AND ALCOHOL REGULATION, STATES, CITIES & COUNTIES CAN ADVANCE CANNABIS LAWS THAT PROTECT VULNERABLE POPULATIONS AND PROMOTE BETTER HEALTH AND SOCIAL OUTCOMES.

Rather than being a criminal justice issue, cannabis regulation should be grounded in public health protection. However, shifting from a criminal justice to a public health paradigm requires careful consideration of how cannabis will be regulated in the marketplace. Cannabis possesses special health risks and regulatory measures can help reduce these harms. Of particular concern is the impact of legalization on youth below age 25, because research suggests that use among youth carries special risks to the developing brain that are not present for older adults.

Legalization should have as a primary goal establishing a legal market while at the same time instituting regulatory structures to prevent or mitigate harm, particularly to youth. Cannabis, like alcohol and tobacco, is an addictive substance that should not be treated as an ordinary commodity in the marketplace.

The basic philosophy underlying the following principles is that cannabis sales should be *cautiously legalized* to reduce the social harm of illegality, but that cannabis sale and consumption should not be *normalized*. New forms of potentially more harmful cannabis products, as well as those that are attractive to youth, should be limited or banned. Furthermore, whatever economic benefit this new legal industry brings should be shared by the communities that have been most affected by the war on drugs.



Getting it Right from the Start is a project of the Public Health Institute. We collaboratively develop and test models of optimal cannabis policy (retail practices, marketing and taxation) with the goal of reducing harms, youth and problem use.

## Recommended Goals for Regulations

### Protect Children & Youth



There is growing evidence of harms associated with youth cannabis use. Daily cannabis use by high school students halves the high school graduation rate. Special consideration should be given to avoid legalizing products aimed at attracting youth such as flavored combustible products and cannabis-infused beverages.

### Promote Economic & Social Justice



Assure that past cannabis convictions, which have affected the lives of so many men and women from black and Latino communities, not be a barrier to moving into the legal market. Work to ensure that those communities hit hardest by the "war on drugs" reap economic benefits of legalization.

### Avoid Emergence of New Tobacco-Like Industry



Avoid transferring control to outside investors by favoring worker cooperatives/non-profits or similar structures, prioritizing equity applicants, and blocking strategies reproducing tobacco industry-like practices that stimulate youth use and promote addiction.

### Minimize Social & Health Harms



Minimize cannabis dependency and attendant health and social harms. Consideration should be given to prohibiting high potency products that are associated with greater risk of dependency, psychosis, and other harms. Cannabis potency has increased from a traditional 4% flower potency to an array of high potency products (flower up to 30% THC & concentrates like dab & wax up to 95% THC).

### Do Not Worsen Health Inequity



Avoid exacerbating existing health inequalities such as low birth weight, poor mental health outcomes, or lower high school graduation rates.

## Regulatory Approaches

When considering regulatory approaches, keep in mind the primary goals of regulation. Some strategies to consider include:

### Equity & Social Justice

- Make equity & social justice a priority in any cannabis legalization scheme
- Reduce cannabis related incarceration and automatically expunge past criminal convictions for non-violent cannabis-related crimes (Ex:CA: AB-1793)
- Keep economic benefits from cannabis legalization in communities most negatively affected by the "war on drugs"

### Leadership

- From the start of the regulatory process, place public health authorities in leadership roles (something that took centuries for tobacco)
- Preserve local control so communities can be more stringent (except as regards incarceration), up to and including, bans on all commercial activity

### Licensing

- Choose your licensing strategy:
  - Limited numbers of cannabis retail dispensaries, cultivators, and manufacturers (ex: WA state) OR
  - Use "grow and give" model (gift-based cannabis exchanges) to avoid creating a more powerful cannabis industry (ex: Washington, D.C.)
- If you decide to allow retail commerce, create a licensing system for all legalized cannabis industries (cultivation, manufacturing, retail)
- Cap the number of allowable retailers to no more than 1:15,000 inhabitants or fewer
- Do not allow delivery of recreational cannabis unless it replaces a storefront model
- In licensing, prioritize equity applicants (residents of communities traditionally impacted by high drug incarceration rates)
- Avoid liquor store precedent by protecting against commerce concentrating in low income areas
- Use specialized business model only (not combined with restaurants or other products)

### Products

- You do not have to allow every conceivable product
- Limit potency of flower cannabis to <15-20% THC to reduce psychoses, dependency and other negative effects
- Prohibit products designed to attract youth like cannabis-infused orange soda ("cannapop") and all flavored non-edible products like strawberry-banana pre-rolls, mango flavored tinctures, vaping fluids, flavored wraps, etc.
- Create publicly accessible track and trace system
- Create funding mechanisms to monitor use, health effects, and the market (price, products & production)
- If manufactured products are allowed, limit potency and exclude products like shatter and wax



- Restrict types and diversity of edibles, limit appeal to youth, and resemblance to existing foods like candy

### Packaging & Marketing

- Prohibit any products, packaging or marketing attractive to children or youth
- Restrict product marketing as much as possible within the confines of federal and state free speech laws
- Require warning labels on any advertising
- Require prominent graphic warnings on packages
- Consider requiring plain packaging (if feasible under US commercial speech law)
- Prohibit health or therapeutic claims as well as claims such as "organic" or "natural"

### Information Campaigns

- Fund creative mass media and social media campaigns from the start, before legalization is effective, to address growing false perceptions of harmlessness.
- Require any legal business, especially retailers, to prominently post warning signs on health risks and handouts informing consumers about risks, including use during pregnancy, at young ages, of increased motor vehicle accidents, and increased risk of schizophrenia and psychoses
- Require "responsible budtender training" (This is needed because, for example, despite clear evidence that cannabis use during pregnancy is associated with low birth weight, 69% of cannabis dispensaries in Denver recommended cannabis for pregnancy-related morning sickness.)

### Pricing & Taxes

- Capture cannabis tax revenue for prevention funds to address key health challenges & sources of health inequity (including, but not limited to, substance abuse) & to promote social equity (for example, job training or anti-recidivism programs)
- Develop tax strategy that balances protecting against low prices that increase youth access while still facilitating the shift to the legal market
- Create authority from the start that allows for increases in tax rates over time
- Tax higher potency products at a higher rate
- Create authority from the start to set minimum prices policies (such as those used for tobacco) but wait to initiate
- Do not allow discounts or promotional pricing
- Do not allow predicted revenue to color overall tax and commerce policy, as the social harms of unfettered growth, such as lower high school graduation rates, will outweigh any short term benefits.

### Smoke-Free Air

- Assure your cannabis policies are coherent with or act together to strengthen existing smoke-free air laws