# Re: Marijuana



## Marijuana Regulation and Enforcement Priorities for Cities

Changes in marijuana policy are gaining momentum throughout Los Angeles County. Yet, little is known about the impact these shifts will have on health systems, prevention and treatment of substance abuse, social outcomes such as education and professional achievement, and other disease prevalence. Proliferation of marijuana outlets, whether recreational or medical, has the potential for a serious negative impact on the health and safety of communities, and youth in particular.

As public health advocates, we are concerned with preventing health harm associated with marijuana use. The chief priority for protecting the health of LA County residents is preventing use of marijuana during the important developmental periods of childhood and adolescence. Marijuana is particularly risky for young people to use because it can interfere with brain development<sup>1</sup> and has been shown to cause long-term deficits in cognitive function when use begins in adolescence<sup>2</sup>.

Comprehensive regulation is a crucial strategy for city leaders to prevent negative impacts from marijuana on youth. As of January 2016, California has new medical marijuana regulations, yet many areas of regulation are still under development. There is also the possibility that legal recreational marijuana use will become a reality in the near future. How can city residents and officials act now to ensure that local policies protect youth and preserve the character of our communities?

This document reviews proven strategies to limit youth access to marijuana by regulating medical marijuana dispensaries, personal use cultivation, commercial cultivation, and delivery services; it also outlines the potential impact of various policy options. The following matrix includes important information for local legislators concerned with enacting smart marijuana regulation that adequately protects youth in our communities.

#### **Key Domains for Regulation**

#### Storefront Marijuana Businesses

**Restricting and carefully monitoring licenses and licensees:** Licensing provisions that are actively enforced through regular random compliance checks in which violators, such as those that sell to minors, are subject to meaningful penalties (including license suspension and revocation) create a culture of compliance among marijuana licensees.



**Restricting density of marijuana outlets:** Decades of research on alcohol and tobacco use demonstrate the need for strong controls on the density of businesses, and research shows the physical availability of medical marijuana dispensaries is similarly related to the prevalence and frequency of marijuana use (Ammerman et al., 2015). Density restrictions on the number of businesses that can locate in a given area can prevent uneven clustering of marijuana outlets in our neighborhoods.

**Restricting where marijuana storefronts can be located:** Marijuana-related businesses should not be located near areas youth frequent such as schools, parks, and playgrounds. Similarly, locating marijuana businesses in mainstream shopping districts can increase perceptions among youth that marijuana is normal and socially acceptable, which has been shown to have strong associations with underage marijuana use (Ashbridge et al., 2016).



#### **Personal Use Cultivation**

**Requiring licensing and inspections for cultivation:** Current state laws regulating personal use cultivation lack basic requirements for security and preventing youth access. Ideally, property proposed as a site for personal use marijuana cultivation should be subject to an inspection and approval process, taking into account ways children may be exposed to the crop and other concerns, such as security from theft, visibility, water/electricity usage, the potential for nuisance from drifting odors, and the rights of property owners.

#### **Commercial Cultivation**

**Restricting where marijuana storefronts can be located:** The current State law is more comprehensive in regulations on commercial cultivation. However, it falls to city leaders to minimize the impacts of commercial cultivation on youth by restricting grow operations to non-residential zones and enforcing state regulations intended to prevent diversion of marijuana products to the black market.

# Medical Marijuana Policy Decision Matrix: Best Regulatory Practices for Minimizing Youth Harms





POLICY DECISION

Storefront Marijuana Businesses

## FACTORS TO CONSIDER

- Density
- Visibility
- Business practices
- On-site use
- Types of products
- Potency

**○**— ALLOW →

- Marketing
- Security requirements
- Drugged driving

### WHAT THE DATA SHOW

- Limiting density limits youth access and neighborhood impacts (Freisthler & Gruenwald, 2014).
- Limiting visibility of outlets and advertising limits perceptions of social norms favoring marijuana use (D'Amico, Miles & Tucker, 2015).
- Edibles present a higher risk of overdose and unintentional consumption by small children (McCoun & Mello, 2015).
- Strict security protocols limit theft and subsequent diversion to the black market (Subritsky, Pettigrew, & Lenton, 2016).

# BEST PRACTICES TO MINIMIZE YOUTH IMPACTS

- Limit the quantity of storefront marijuana businesses and prevent outlets from clustering in specific neighborhoods.
- Restrict location of marijuana outlets to low visibility areas far from places youth frequent.
- Restrict signage and advertising to minimize visibility to youth.
- · Limit hours of operation.
- Cap THC concentrations or allow only low THC/high CBD products.
- Require child safe packaging and clear labeling for edibles.
- · Prohibit on-site use.
- Implement security requirements to prevent robbery and burglary.

## HOW TO ENFORCE

- Require conditional use permits contingent on passing an annual compliance review.
- Impose an annual renewal fee for conditional use permits to fund compliance inspections.
- Implement high visibility enforcement like drugged driving checkpoints.
- Take quick legal action against unlicensed or non-compliant outlets.
- Fine and hold accountable building owners for renting to an unlicensed marijuana outlet.
- Use a portion of licensing fees to fund random inspections and responsible retailer training.
- Implement and locally publicize a Minor Decoy Program to evaluate compliance with age restrictions on marijuana sales.
- Educate law enforcement officers about the local policy and their role in enforcement.
- Educate residents about how to report unlicensed or non-compliant marijuana outlets.

DON'T - Comprehensiveness - Enforceability

- States that prohibit retail medical marijuana storefront experience lower increases in THC potency and prevalence of use (Pacula et al., 2015) even if they allow marijuana cultivation for personal use.
- Ensure the ordinance addresses all relevant marijuana activities, including cultivation and delivery (see sections below).
- Ensure the ordinance is worded to apply to recreational marijuana should that become legal.

#### **POLICY DECISION**

#### **FACTORS TO CONSIDER**

- **Personal Use** → ALLOW → Cultivation
- Youth exposure
  - Visibility
  - · Resource Use
  - Nuisance complaints
  - Burglary
  - **DON'T AII NW** 
    - Comprehensiveness
    - Enforceability

#### WHAT THE **DATA SHOW**

- · State law allows every medical marijuana patient to grow up to 100 square feet of plants (and up to 500 square feet if they are a personal caregiver) (CA Health and Safety Code 11362.769).
- · State regulations don't include any requirements to keep personal use cultivation indoors or secured from kids or non-patients.
- · Marijuana is a water and energy-intensive crop (Bauer et al., 2015; Mills, 2012).
- A 2016 ballot measure to legalize recreational marijuana use would rescind the right of cities and counties to enact full bans on personal use cultivation (Prop 64 website).

• Marijuana is a water and energy-intensive

crop (Bauer et al., 2015; Mills, 2012).

· Pesticides used in marijuana cultivation

represent a health risk for youth and

• Data is limited, but outdoor grows have a

greater potential for burglary/other crimes (CA Narcotics Officers Association, 2016).

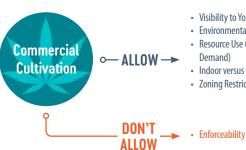
families (Carah et al., 2015).

#### **BEST PRACTICES** TO MINIMIZE YOUTH IMPACTS

- Ensure cultivation sites are not visible or accessible by youth.
- · Require a cultivation permit with an annual fee to fund enforcement.
- Require an inspection of proposed cultivation sites for safety and youth exposure prior to issuing permits.
- Enact annual site inspections to evaluate concerns like drifting odors, water and electricity use, and security from theft.
- · Distinguish between personal use cultivation and commercial cultivation in ordinance text.
- · Ensure personal use cultivation ordinance(s) will apply to recreational marijuana if that should become legal.

#### **HOW TO ENFORCE**

- · Dedicate local enforcement resources to site inspections for permit approvals and on-going annual inspections.
- Establish a procedure to address nuisance complaints and disputes between neiahbors.
- Require written approval from building owner prior to granting permits for cultivation in rental units, to minimize landlord/tenant disputes.
- · Educate residents and local law enforcement about the local policy on personal use cultivation.
- Establish a procedure for residents to report un-permitted cultivation sites.



- · Visibility to Youth
- Environmental Impact
- Resource Use (Water/Energy Demand)
- Indoor versus Outdoor Cultivation
- · Zoning Restrictions

• Legislators may need to revisit bans as state regulations on commercial cultivation develop.

- · Restrict commercial cultivation to nonresidential areas to reduce youth exposure/ visibility.
- · Restrict density.
- · Look to state lawmakers. Environmental standards to be determined at a state level.
- · Distinguish between personal use cultivation and commercial cultivation in ordinance text.
- Ensure cultivation ordinances will apply to recreational marijuana should that become legal.

- Look to the CDFA. The Department of Food and Agriculture is developing regulations and licensing requirements for cultivators.
- · Seek grant funding. The BMCR will establish a grant program for local jurisdictions to assist with regulation and enforcement (CA Business and Professions Code 19351).
- · Establish a procedure for residents to report suspected commercial cultivation sites or any violation of the law.
- · Educate local law enforcement and residents on local/state policy for commercial cultivation.



**ALLOW** 

- · Restrict to dispensaries licensed in your jurisdiction.
- Restrict to registered collectives delivering to handicapped customers.
- · Enforceability

- · Marijuana delivery services have been found to circumvent community efforts to regulate marijuana (Freisthler & Gruenwald, 2014).
- · Bans on marijuana delivery within city limits may be challenging to enforce.

- Prohibit delivery to schools and colleges attended by youth under 21.
- · Rescind conditional use permits of storefront marijuana businesses for deliveries to minors or in quantities that exceed state limits.
- Implement regulations that prohibit sales to minors or restrict quantities (may be nearly impossible to enforce for delivery services).
- Establish a procedure for residents to report violations of age restrictions or limits on quantity.
- Use a Minor Decoy Program to evaluate delivery services' compliance with age restrictions or limits on quantity.
- Enact traffic stops for suspected deliveries within city limits.
- Issue citations for verified deliveries to addresses within city limits.

#### **Delivery Services**

**Banning or limiting delivery services:** Marijuana delivery services have been found to circumvent community efforts to regulate marijuana (Freisthler & Gruenwald, 2014) and present serious concerns for monitoring and enforcement of laws intended to prevent youth access and diversion to the black market.



#### Accountability

The current State law is unclear about what enforcement resources will be made available to local jurisdictions to monitor and enforce medical marijuana regulations. As such, it falls to cities to define how they will monitor and enforce compliance on a local level.

#### **High Visibility Enforcement**

Highly visible enforcement is a deterrent to future violations of medical marijuana regulations. Enforcement techniques could include drugged driving checkpoints and publicizing use of a Minor Decoy Program that evaluates compliance with age restrictions.

#### **Community Involvement**

To date, many local jurisdictions have relied heavily on reports and inquiries from residents to identify non-compliant or unlicensed marijuana businesses.

#### Training

Local law enforcement can be trained on local and state regulations regarding medical marijuana, on how to recognize and police drugged driving, and on how to evaluate security standards at commercial cultivation sites and medical marijuana storefronts.

#### About RethinkingAccess to Marijuana

Rethinking Access to Marijuana (RAM) is a collaboration of public health professionals seeking to prevent marijuana-related harms by limiting youth access to marijuana in the County of Los Angeles.

This group was established with the vision of educating communities about the potential harms of marijuana use; implementing and evaluating environmental strategies formulated to limit youth access to marijuana; and influencing policy actions that support flourishing youth and communities free from marijuana-related harms. RAM neither supports nor opposes any specific legislation.

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