PRINCIPLES FOR A PUBLIC HEALTH AND EQUITY APPROACH TO CANNABIS REGULATION

Getting it Right from the Start is a project of the Public Health Institute in Oakland, California. We collaboratively develop and test models of optimal cannabis policy with the goal of reducing harms, problem use and youth use.

Policy Goals

- Protect children and youth
- Don't exacerbate existing health disparities in such as low birth weight, poor mental health outcomes, or lower high school graduation rates
- Minimize cannabis dependency and attendant health and social harms
- Minimize creation of a powerful new tobacco-like industry
- Reduce social harms related to the war on drugs
- Promote economic and social justice

States, cities, and counties can advance laws and regulations that learn from tobacco and alcohol experience, protect youth, and promote better health and social outcomes. We suggest considering the following provisions when creating or updating state or local cannabis policies:

EQUITY

- Make equity and social justice a priority in any cannabis legalization scheme
- Reduce cannabis related incarceration
- 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"
- Avoid transferring control to outside investors by favoring worker cooperatives/non-profits or similar structures

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

PACKAGING & MARKETING

- Restrict any products, packaging or marketing attractive to children or youth
- Restrict product marketing within the confines of First Amendment and state-specific free speech law
- Require warning labels on any advertising
- Require prominent graphic warnings on packages
- Consider requiring plain packaging (but may not be feasible under US commercial speech law)
- Prohibit "health," "therapeutic," "organic," or "natural" claims
PRODUCTS

- Legalizing cannabis does not mean you have to allow all products conceived of by a manufacturer or cultivator
- Limit potency of flower cannabis to <15-20% THC to reduce psychoses, dependency and other negative effects
- Allow edibles but limit appeal to youth, diversity, product types, and resemblance to existing foods, like candy
- 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 of concentrates to exclude products like shatter and wax
  - 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 or vaping fluids, etc

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 use prominently posted signs (and cover those costs), handouts, or print on bags to clearly inform consumers about risks, including use during pregnancy, at young ages, increased motor vehicle accidents, and increased risk of schizophrenia and psychoses
- Require "responsible budtender training" (Ex: 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.).

MONITORING

- Create publicly accessible track and trace system
- Create funding mechanisms to monitor use, health effects, and the market (price, products, and production)

CONCERNING TRENDS

⚠️ Patterns of Use

- 22 million Americans over age 12 reported using recreational cannabis in 2016.
- Heavy users (>20 uses in the past 30 days) have grown from approx. 1 in 9 in 1992 to more than 1 in 3 in 2014.
- From 2009-2016, marijuana use among pregnant women in California rose from 4.2% to 7.1%.

🎉 Youth-Attraction

- Like tobacco, cannabis products are now being offered in a wide variety of flavors and vehicles which are well known to attract youth (ex: orange soda, strawberry-banana pre-rolls, and juul-like vaping devices). In addition, many products are mimicking common food items like rice-krispie treats and gummy bears.

 dévelop Marketing

- Marketing of cannabis is becoming widespread and seeking to falsely project it as a "wellness" product. Cannabis billboards are blanketing California today with messages ranging from "Hello Mariiuana: Goodbye Worries" to blatant sex appeal ads.

💰 Potency

- Over recent decades, the market has shifted from traditional cannabis flower ( <4% THC) to a panoply of potent flower (up to 30% THC) and concentrates like dab and wax (95% THC) with greater risk of dependency, psychoses and other harms, mimicking strategies used by the tobacco industry to increase addictiveness of their products.

 материалов Business

- In states that have legalized cannabis, the market is rapidly shifting from small scale producers and sellers to very large investors with growing vested interests and political influence, including campaign donations.
PUBLIC-HEALTH FOCUSED EXAMPLES

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)

PRICING & TAXES

- Capture cannabis tax revenue for prevention funds that can address the key health challenges and sources of health disparity in the community (including but not limited to substance abuse) and promote social equity (job training, anti-recidivism programs)
- Develop tax strategy that balances protection against low prices that increase youth access with 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 (like alcohol) 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 polices are coherent with or act together to strengthen existing smoke-free air laws

PUBLIC-HEALTH FOCUSED EXAMPLES

CAPS ON RETAILERS

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

EQUITY

- California: Pending legislation (AB-1793) would automatically expunge prior cannabis convictions meeting certain criteria
- Los Angeles & Oakland: Licensing priority given to equity applicants
- San Francisco (city): Licensing priority given to equity applicants

SPECIALIZED BUSINESSES ONLY

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

PROHIBITED PRODUCTS

- Contra Costa County: No flavored combustable 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

A PROJECT OF THE PUBLIC HEALTH INSTITUTE
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