

# Re: Marijuana



## Marijuana Regulation and Enforcement Priorities for Cities

Changes in marijuana policy are gaining momentum throughout Los Angeles County, most notably with the passage of Prop 64, the Adult Use of Marijuana Act. 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. Despite California's new marijuana laws, many areas of regulation are still under development. 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 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 marijuana storefronts is similarly related to the prevalence and frequency of marijuana use (Freisthler & Gruenewald, 2014). 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.

1 = (Volkow et al., 2014)

2 = (Meier et al., 2015)

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



## POLICY DECISION



ALLOW →

DON'T ALLOW (outdoor cultivation) →

## FACTORS TO CONSIDER

- Youth exposure
- Visibility
- Resource use
- Nuisance complaints
- Burglary
- How to monitor limits for water and energy consumption

- Comprehensiveness
- Enforceability

## WHAT THE DATA SHOW

- Adults can grow up to six plants of marijuana out of public view for personal recreational use
- Medical marijuana *caregivers* can grow up to 500 square feet (CA Health and Safety Code 11362.769)
- State regulations don't include any requirements to keep personal use cultivation for medical use indoors
- Marijuana is a water and energy-intensive crop (Bauer et al., 2015; Mills, 2012)

- Prop 64 rescinds the right of cities and counties to enact full bans on personal use cultivation indoors (Prop 64 website)

## BEST PRACTICES TO MINIMIZE YOUTH IMPACTS

- Educate residents about concerns like drifting odors, water and electricity use, and security from theft when practicing personal use cultivation

- Distinguish between personal use cultivation and commercial cultivation in ordinance text
- Ensure any existing personal use cultivation ordinance(s) apply to recreational marijuana

## HOW TO ENFORCE

- Educate residents and local law enforcement about local policy
- Establish a procedure for residents to report non-compliant cultivation sites
- Establish a protocol for nuisance complaints, landlord/tenant disputes

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ALLOW →

DON'T ALLOW →

- Visibility to youth
- Environmental impact
- Resource use (water/energy demand)
- Indoor versus outdoor cultivation
- Zoning restrictions

- Enforceability

- 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 families (Carah et al., 2015)
- Data is limited, but outdoor grows have a greater potential for burglary/other crimes (CA Narcotics Officers Association, 2016)

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

- Ensure cultivation sites are not visible to or accessible by youth
- Require a cultivation permit with an annual fee to fund enforcement
- Require an inspection prior to issuing permits
- Restrict to non-residential areas
- Restrict density of commercial cultivation sites

- Distinguish between personal use cultivation and commercial cultivation in ordinance text
- Ensure commercial cultivation ordinances apply to recreational marijuana

- 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 neighbors
- Look to the CDFA. The Department of Food and Agriculture is developing regulations.

- Establish a procedure for residents to report unauthorized commercial cultivation sites or any violation of the law
- Educate local law enforcement and residents on local/state policy for commercial cultivation



ALLOW →

DON'T ALLOW →

- Restrict to dispensaries licensed in your jurisdiction
- Or,
- 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) but may be an important option for very ill or disabled medical marijuana patients

- Bans on marijuana delivery within city limits may be challenging to enforce
- Cities may not ban the transport of marijuana across city limits

- Prohibit delivery to schools and colleges attended by youth under 21
- Rescind conditional use permits of marijuana businesses for deliveries to minors or in quantities that exceed state limits
- Consider allowing delivery only for medical marijuana
- Ensure ordinances written to address medical marijuana delivery apply to recreational marijuana

- 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
- 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 & Gruenewald, 2014) and present serious concerns for monitoring and enforcement of laws intended to prevent youth access and diversion to the black market.



## Accountability

Enforcement resources will be made available to local jurisdictions to monitor and enforce 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 marijuana regulations. Enforcement techniques could include drugged driving checkpoints and publicizing use of a Minor Decoy Program that evaluates compliance with age restrictions. Consistent enforcement minimizes competition from non-compliant marijuana businesses, thus incentivizing compliance.

## Community Involvement

To date, many local jurisdictions have relied heavily on reports and inquiries from residents to identify non-compliant or unlicensed marijuana businesses. City leaders can help by providing a helpline or similar resources to answer residents' questions about local and state marijuana laws.

## Training

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

### About Rethinking Access 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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