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 and has been shown to cause long-term deficits in cognitive function when use begins in adolescence.

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.

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.

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.

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1 = (Volkow et al., 2014)
2 = (Meier et al., 2015)
### Marijuana Policy Decision Matrix: Best Regulatory Practices for Minimizing Youth Harms

<table>
<thead>
<tr>
<th>POLICY DECISION</th>
<th>FACTORS TO CONSIDER</th>
<th>WHAT THE DATA SHOW</th>
<th>BEST PRACTICES TO MINIMIZE YOUTH IMPACTS</th>
<th>HOW TO ENFORCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Storefront Marijuana Businesses</strong></td>
<td>• Density</td>
<td>• Limiting density reduces youth access and neighborhood impacts (Freisthler &amp; Gruenwald, 2014)</td>
<td>• Limit the quantity of storefront marijuana businesses and prevent outlets from clustering in specific neighborhoods</td>
<td>• Require conditional use permits contingent on passing an annual compliance review</td>
</tr>
<tr>
<td></td>
<td>• Visibility</td>
<td>• Limiting visibility of outlets and advertising limits perceptions of social norms favoring marijuana use (D’Amico, Miles &amp; Tucker, 2015)</td>
<td>• Restrict location of marijuana outlets to low visibility areas far from places youth frequent</td>
<td>• Impose an annual renewal fee for conditional use permits to fund compliance inspections</td>
</tr>
<tr>
<td></td>
<td>• Business practices</td>
<td>• Edibles present a higher risk of overdose and unintentional consumption by small children (McCoun &amp; Mello, 2015)</td>
<td>• Restrict signage and advertising to minimize visibility to youth</td>
<td>• Implement high visibility enforcement like drugged driving checkpoints</td>
</tr>
<tr>
<td></td>
<td>• On-site use</td>
<td>• Strict security protocols limit theft and subsequent diversion to the black market (Subritsky, Pettigrew, &amp; Lenton, 2016)</td>
<td>• Limit hours of operation</td>
<td>• Take quick legal action against unlicensed or non-compliant outlets</td>
</tr>
<tr>
<td></td>
<td>• Types of products</td>
<td>• States that prohibit retail marijuana storefronts experience lower increases in THC potency and prevalence of use (Pacula et al., 2015) even if they allow marijuana cultivation for personal use</td>
<td>• Cap THC concentrations or allow only low THC/high CBD products</td>
<td>• Fine and hold accountable building owners for renting to an unlicensed marijuana outlet</td>
</tr>
<tr>
<td></td>
<td>• Potency</td>
<td>• Require child safe packaging and clear labeling for edibles</td>
<td>• Require child safe packaging and clear labeling for edibles</td>
<td>• Use a portion of licensing fees to fund random inspections and responsible retailer training</td>
</tr>
<tr>
<td></td>
<td>• Marketing</td>
<td>• Prohibit on-site use</td>
<td>• Prohibit on-site use</td>
<td>• Implement and locally publicize a Minor Decoy Program to evaluate compliance with age restrictions on marijuana sales</td>
</tr>
<tr>
<td></td>
<td>• Security requirements</td>
<td>• Implement security requirements to prevent robbery and burglary</td>
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<td>• Educate law enforcement officers about the local policy and their role in enforcement</td>
</tr>
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<td></td>
<td>• Drugged driving</td>
<td>• Ensure the ordinance addresses all relevant marijuana activities, including cultivation and delivery (see sections below)</td>
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<td>• Educate residents about how to report unlicensed or non-compliant marijuana outlets</td>
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### Allow
- Comprehensiveness
- Enforceability

### Don’t Allow
- Density
- Visibility
- Business practices
- On-site use
- Types of products
- Potency
- Marketing
- Security requirements
- Drugged driving

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**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.**

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**Ensure the ordinance addresses all relevant marijuana activities, including cultivation and delivery (see sections below).**

**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.**
**Policy Decision**

- **Personal Use Cultivation**
  - Allow
  - Factors to Consider:
    - Youth exposure
    - Visibility
    - Resource use
    - Nuisance complaints
    - Burglary
    - How to monitor limits for water and energy consumption

- **Commercial Cultivation**
  - Allow
  - Factors to Consider:
    - Visibility to youth
    - Environmental impact
    - Resource use (water/energy demand)
    - Indoor versus outdoor cultivation
    - Zoning restrictions

- **Delivery Services**
  - Allow
  - Factors to Consider:
    - Restrict to dispensaries licensed in your jurisdiction
    - Or,
    - Restrict to registered collectives delivering to handicapped customers
    - Enforcement

**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)

**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
- Legislate may need to revisit bans as state regulations on commercial cultivation develop
- Ensure ordinances written to address medical marijuana delivery 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
- 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

- Issue citations for verified deliveries to addresses within city limits

**Factors to Consider**

- Prop 64 rescinds the right of cities and counties to enact full bans on personal use cultivation indoors (Prop 64 website)
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- Ensures cultivation sites are not visible to or accessible by youth
- Ensure 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

- Educate residents and local law enforcement about local policy
- Establish a procedure for residents to report non-compliant cultivation sites
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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

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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