Lessons from Tobacco: Potency, Flavors, and Advertising

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Getting it Right from the Start’s Mission

To collaboratively develop and test models of optimal cannabis policy with the goal of reducing harms, youth and problem use. Models are based on the best scientific evidence and protection of public health, social equity and safety.
California’s Prop 64 legalizing recreational cannabis:

- Scant attention to public health concerns
- Failure to learn from tobacco control
- Lack of economic or social equity focus
- Leeway to local government to regulate and tax
Why legalize?

- Profound Racism in Drug Policy
- Mass Incarceration
- Trafficking Related Violence
- Prohibition didn’t work
Marijuana is not
But also not
Why Worry? Some Proven Evidence of Benefit

Chemotherapy induced nausea

Recently approved pharmaceutical Epidiolex (cannabidiol) for rare difficult to control form of epilepsy

Certain forms of chronic pain

Source NASEM 2017; FDA 2018
<table>
<thead>
<tr>
<th>Harm</th>
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<tr>
<td>Low birth weight</td>
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<td>Schizophrenia and psychoses</td>
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<td>Increased motor vehicle crashes</td>
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<td>Respiratory illness</td>
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<td>Problem use associated with early onset of use and frequency</td>
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Source: National Academies of Science, Engineering, and Medicine, 2017, Dutra, 2018, Int Rev Psychiatry
Emerging evidence

COGNITIVE, ACADEMIC AND SOCIAL EFFECTS

ACCIDENTAL INGESTION AND OVERDOSE

CARDIOVASCULAR DISEASE
Like Tobacco: Marijuana Addiction is Real – About 1 in 10 users

- Approximately 4.0 million Americans met criteria for cannabis use disorders in 2015.
- 1.2 million of first time users in 2016 were between the ages of 12 and 17

Source: S. Weiss, NIDA and 2016 National Survey on Drug Use and Health, SAMHSA
Use Rising in Pregnant California Women

- From 2009 to 2016, cannabis use among pregnant women increased from 4% to 7%
- 22% of pregnant females younger than 18 years and 19% of pregnant females aged 18 to 24 years screened positive for cannabis use in 2016
- Declining perception of risk for use during pregnancy - and in general

Source: Young-Wolff et al, JAMA 2017
Frequency of Cannabis Use Before Age 17 and Adverse Outcomes at 30 years (n=2500-3700)

Consistent dose-response associations between frequency of adolescent cannabis use and adverse outcomes

Source: Silins E et al., The Lancet September 2014
Three Dangerous Areas Where the Cannabis Industry is Borrowing from Big Tobacco’s Playbook

- Manipulating Potency thereby Increasing the Risk of Addiction
- Creating flavored and other products aimed at attracting youth
- Shameless and misleading marketing
Vastly Increasing Potency

• Flower ~4% THC in 1995 to ~12% in 2014
• Now 16% to 30% in dispensaries
• Cannabidiol content decreased from ~.28% in 2001 to <.15% in 2014
• Change in the ratio of Δ⁹-tetrahydrocannabinol to cannabidiol from 14 times in 1995 to ~80 times in 2014

Source: El Sohly, 2016, Biological Psychiatry
“Defendants have long known that nicotine creates and sustains an addiction to smoking and that cigarette sales, and ultimately tobacco company profits, depend on creating and sustaining that addiction. Defendants have designed their cigarettes to precisely control nicotine delivery levels and provide doses of nicotine sufficient to create and sustain addiction.”

Use of High Potency Products Associated with Risk of Psychosis
Increased exposure to THC has also been associated with increased symptoms of cannabis use disorders, increased risk for psychosis, impaired cognition, alterations in corpus callosum white matter microstructure in high-potency MJ users compared to low-potency users and controls.”

Use and Heavy Use Rising: 42% of Current Users are Daily or Almost Daily Users

22.2 Million Past Month Users of Cannabis in 2015
14.6 Million Past Month Users of Cannabis in 2002

Source: SAMHSA, 2015 National Survey on Drug Use and Health (September 2016)
Flavors are used to attract youth: Why on earth when we are trying to ban flavored tobacco are we introducing legal flavored marijuana?
Sex Appeal

BEST BUDS

IGNITE CANNABIS CO.

NOW AVAILABLE IN DISPENSARIES
Snob Appeal

LA is full of brilliant people. We deliver them pot.

Marijuana delivered | eaze.com
Delivering more joy than dogs & babies combined.

Marijuana delivered | eaze.com
Appeal to youth
Joe Camel’s Appeal to Youth Resurrected (but banned in CA)
Misleading Therapeutic Claims & Framing as “Wellness” or “Lifestyle” product

“Fortunately, cannabis has been shown to improve depression (no matter how severe), and it can do so quickly and affordably.”

“With a sour citrus and floral aroma, Ghost Train Haze delivers a potent dose of THC to knock out pain, depression, and appetite loss....
The cannabis industry wants us to believe that quality control, testing and pesticide residues will determine health impacts.
The biggest determinants of health impact of legalization will be:

• How many people the industry gets to use cannabis, how intensely, and at what age – just like tobacco

• How many people still go to jail for cannabis
These three industry strategies will:

- Get people to initiate and maintain use (marketing)
- Get young people to initiate use (flavors & marketing)
- Make people more likely to become addicted or have other negative effects (potency)
The Marijuana Regulatory Spectrum

Source: Slide adapted from Jonathan Caulkins, 2017
Cannabis Common Sense 101

Legalizing

Does Not Have to Mean

Letting the Industry Make and Say Anything They Want To

≠
## Failing to learn from tobacco control in California’s state rules

| **No limits on potency in agriculture, manufacturing or retail** |
| **No limits on flavors and other product types attractive to youth** |
| **No limit on # retailers** |
| **Weak regulation and enforcement allowing rampant marketing targeting youth** |
| **Delayed investment in prevention** |
Local Control: Option to Prohibit or Regulate

- Cities and counties can *prohibit* the retail sale of adult use marijuana
- State must verify local license before issuing state license
- Local control threatened by new CA delivery regulations (illegally?)
- Personal growing and possession still allowed
Policy Ideas for Another Way
Local Option – Regulate Like Tobacco Retail License

Cities and counties can allow retail sales with *restrictions*, such as:

• Location, density, proximity
• Types of products
• Marketing
• Etc.
Local and State Government Should Prohibit Certain Products

**Banning flavored products & menthol**
- FDA banned flavored cigarettes and jurisdictions across CA are still struggling to ban flavored tobacco
- Contra Costa County prohibited all flavored cannabis intended for inhalation or vaporization

**Prohibit strain names that sound like flavors attractive to youth e.g. Bubble Gum, Girl Scout Cookie, Cherry Pie**

**Prohibit Products “Attractive to youth”**
- Mono County and Mammoth Lakes prohibited products that would be attractive to youth or children or that resemble commercially sold candy or foods
Ban “Cannapops”

*Cannabis Infused Beverages:*

- Pasadena and Mono County prohibited cannabis-infused beverages
- Modeled after “alcopops” used to initiate teen drinking
Products: Restrict Potency

- Consider limits on flower (>15-20% THC?) and concentrate potency (>50% THC?) in cultivation, manufacturing and sales
- New Mexico limits concentrates
- Act cautiously, learn more
- Assess how THC:CBD ratios should be best regulated
- Optimal limits unclear but current trends are too dangerous to permit
Tax on THC Potency

If high potency products are allowed, their use can be discouraged through taxation policy.

For example:

- Raise taxes in flower by 1% for every % above 17% THC
- Raise taxes on concentrates by 1% for every % above 50%
Prohibit health and therapeutic claims on recreational marijuana

“Top Shelf Bubble Gum Galaxy Joint...enjoy this expertly rolled joint for its natural healing effects...perfect for those experiencing stress, pain and depression.”
Restrict advertising to the maximum extent possible under the law.
Require warning labels on advertising

Warning from the [County/City]
The National Academies of Science have found that smoking marijuana during pregnancy is associated with low birth weight in babies.
Inform people of risks by requiring prominent in-store warnings and graphic package warnings.

i) Are you pregnant or breastfeeding? According to the U.S. Centers for Disease Control (CDC), marijuana use during pregnancy can be harmful to your baby’s health, including causing low birth weight and developmental problems.

ii) Driving while high is a DUI. Marijuana use increases your risk of motor vehicle crashes.

iii) Not for Kids! Starting marijuana use young or using frequently can lead to problem use, and according to the CDC may harm the developing teen brain.

iv) Marijuana use may be associated with greater risk of developing schizophrenia or other psychoses. Risk is highest for frequent users.

v) Smoking marijuana long term can make breathing problems worse.

This message is provided as public service by the City/County of XXX

Using or possessing marijuana or working in the marijuana industry is legally risky for any noncitizen. This includes lawful permanent residents, undocumented persons, students, and others. Marijuana is illegal under federal law, and federal law controls immigration. If you need to take medical marijuana, see an immigration attorney for advice.

This information is provided as a public service by the City/County of XXXXX.
• Best practices for cannabis regulation are still uncertain
• But we know a lot from alcohol & tobacco
• The body of evidence of harm grows daily
• We should start far more cautiously
• It will be much harder to tighten up later
Reduce drug related incarceration

• Enforcement of new rules should not lead to more incarceration
• Develop programs, policies & funding to ensure this
Mobilize, Align & Engage Partners to Avoid a New Big Tobacco

• CBOs, churches, PTAs, LHDs, need to “butt in” to the cannabis regulatory process
• Bring a needed public health focus to regulation and taxation
• Mobilize existing partners and build coalitions just as we do for tobacco
• Call out conflicts of interest in process
Control conflicts of interest

- Keep industry **off** advisory and regulatory bodies
Local Taxation Model Including High THC and Beverage Tax
Available to help
Thank you

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Thanks also to Alisa Padon, PhD, Amanda Naprawa, JD, Ted Mermin, JD, Leslie Zellers, JD, Michael Colantuono, JD, Jim Mosher, JD, Susan Weiss PhD and many others

www.gettingitrightfromthestart.org
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