

## Legalized Marijuana: Public Health Concerns and Regulation Best Practices

- Research has found that increased access to a substance leads to increased use among youth and adults. It is important to establish strong policies and regulations from the outset to decrease negative public health consequences of increased use.
- Public health concerns of increased access to marijuana include: increased youth access & use, drugged driving, dependence and addiction, unwanted contaminants and uncertain potency of products, and concurrent use of marijuana and alcohol.
- The regulation best practices outlined below have been effective in preventing the public health concerns marked with a check, and could be adopted to regulate marijuana. Pages 3-4 outline methods used nationally to implement these best practices; if and how the current state statute meets this regulation recommendation (NOTE – the state has not finalized regulations); and options municipalities could adopt to strengthen state regulations.

<b>Regulation Best Practices</b>	<b>Public Health Concerns</b>				
	(A “✓” below indicates that the public health concern can be effectively addressed by the regulation option listed on left)				
	Youth Access & Use	Impaired Driving	Dependence and Addiction	Unwanted contaminants and uncertain potency	Concurrent use of marijuana and alcohol
1. Increase prices	✓	✓	✓		
2. Restrict and carefully monitor licenses and licensees	✓	✓	✓	✓	✓
3. Limit marketing	✓	✓	✓		✓
4. Limit types of products sold	✓	✓	✓		✓
5. Restrict public consumption	✓	✓	✓		✓
6. Measure and prevent impaired driving		✓			✓
7. Prevent social access by youth	✓				

<b>Regulation Best Practice</b>	<b>How?</b> <i>Methods used to regulate alcohol or tobacco</i>	<b>Current Statute</b> <i>(as passed, and amended through the passage of LD 1719, final rules yet to be written and approved)</i>	<b>Options for Municipalities</b> <i>Prohibiting retail sales is an option</i>
Increase prices	<ul style="list-style-type: none"> <li>• Excise taxes</li> <li>• Fees</li> <li>• Limit production licenses</li> </ul>	<ul style="list-style-type: none"> <li>• Sales tax 10% - effective excise tax ~11%</li> </ul>	<ul style="list-style-type: none"> <li>• Municipalities have little to no influence on pricing.</li> <li>• Fees are unlikely to substantially impact pricing.</li> </ul>
Restrict and carefully monitor licenses and licensees	<ul style="list-style-type: none"> <li>• License EVERY part of supply chain</li> <li>• Keep number of licenses low – lower cost to regulate</li> <li>• Restrict density and location</li> <li>• Restrict modes of sales (e.g. no vending machines or self-service)</li> <li>• Restrict hours of operation</li> <li>• Restrict goods that can be sold</li> </ul>	<ul style="list-style-type: none"> <li>• Licenses at every supply chain required</li> <li>• Portion of excise tax revenues earmarked for training law enforcement on enforcing adult-use retail marijuana laws</li> <li>• State doesn't set a limit of number of licenses across the state</li> <li>• Vending machines, drive through sales, and internet-based sales are specifically prohibited</li> <li>• Municipalities must approve all licenses, can restrict, limit or prohibit licenses</li> <li>• Can have local licensing requirements</li> <li>• MUST card</li> </ul>	<ul style="list-style-type: none"> <li>• Regulate:               <ul style="list-style-type: none"> <li>○ Require &amp; conduct regular compliance checks (law enforcement must be trained)</li> <li>○ Adopt license revoking ability for illegal sales</li> <li>○ Adopt illegal sale consequence/fine for both clerk &amp; licensee</li> </ul> </li> <li>• Require <i>Responsible Marijuana Licensee</i> trainings of all retailers and clerks to cover law and best retail practices (such as current alcohol licensee trainings)</li> <li>• Ensure regular inspection of supply chain (retail, grow, testing &amp; manufacturing/production)</li> </ul>
Limit marketing	<ul style="list-style-type: none"> <li>• Ban:               <ul style="list-style-type: none"> <li>○ Advertising – print, television, radio, etc.</li> <li>○ Promotions: Price discounts, coupons, free samples</li> <li>○ Sponsorships</li> <li>○ Indirect – merchandise</li> <li>○ Retail displays</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Limits on marketing required, must not appeal to youth - details TBD</li> <li>• There will be some restrictions on content, but there is nothing in LD 1719 that expressly prohibits “mass marketing”.</li> <li>• No packaging implying it is a trademarked food product</li> </ul>	<ul style="list-style-type: none"> <li>• Have clear, strict marketing guidelines – especially for edibles</li> <li>• Restrict signs and advertising – especially for advertising that can be viewed from outside the store</li> <li>• Density guidelines: restrict number of licenses and/or location (not within school or youth serving agency zones)</li> </ul>

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	<ul style="list-style-type: none"> <li>Require plain packaging</li> </ul>	<ul style="list-style-type: none"> <li>LD 1719 makes it so you must be 21 to purchase AND to enter, and this pertains to any type of adult-use license (including cultivation, manufacturing, testing, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>Implement 1,000 foot buffers between licensed retail marijuana operations and schools (e.g. don't implement the smaller 500 foot buffer allowed by LD 1719)</li> </ul>
Limit types of products sold	<ul style="list-style-type: none"> <li>Limit: <ul style="list-style-type: none"> <li>What's allowed in the product (additives, flavorings)</li> <li>Methods of production (pesticides, mold, contaminants)</li> <li>Bundling with other inputs (edibles, nicotine)</li> <li>Anything that appeals to youth – candy, sodas, etc.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>THC limit per serving -10 mg/serving and 100/mg per package</li> <li>Testing of product required to prevent contaminants</li> <li>Labeling, including THC levels, THC per serving, number of servings &amp; warning labels</li> <li>Retail allowed</li> <li>No additives designed to make product more appealing to children allowed</li> </ul>	<ul style="list-style-type: none"> <li>Allow only single serving edibles</li> <li>Require child proof packaging</li> <li>Adopt strong definition on what “appeals to children”</li> <li>Prohibit the sale or serving of non-marijuana food/beverages in dispensaries or other licensed retail marijuana locations</li> </ul>
Restrict public consumption	<ul style="list-style-type: none"> <li>No public place where youth could see or non-user would be exposed</li> </ul>	<ul style="list-style-type: none"> <li>The prohibitions and limitations on smoking tobacco products in specified areas apply to smoking marijuana. <i>(Marijuana is included in smoking laws; Title 22, chapters 262 and 263)</i></li> </ul>	<ul style="list-style-type: none"> <li>Enforce public consumption fines</li> <li>Adopt local ordinances prohibiting the possession (regardless of age) of marijuana and marijuana products on school grounds, public parks, etc.</li> </ul>
Measure and prevent impaired driving	<ul style="list-style-type: none"> <li>Adopt strict OUI limit</li> <li>Mandatory fines</li> <li>Sobriety check points</li> <li>Media campaigns –best practice, tested messages</li> <li>Active, visible enforcement</li> </ul>	<ul style="list-style-type: none"> <li>12% of excise tax revenues goes to the Adult Use Public Health &amp; Safety Fund: Up to 50% of this goes to law enforcement training and up to 50% is for public health &amp; safety awareness education.</li> <li>Rest goes to general fund.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure law enforcement is trained and prepared, with reliable testing resources and budget for OUI details</li> </ul>

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Prevent social access by youth	<ul style="list-style-type: none"> <li>• Strict furnishing and social hosting laws</li> <li>• Parental monitoring campaigns</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 50% of the Adult Use Public Health &amp; Safety Fund can fund public health communication around marijuana.</li> </ul>	<ul style="list-style-type: none"> <li>• Adopt and enforce strict furnishing laws mirroring alcohol (furnishing or a place to consume)</li> </ul>

References:

Rosalie Liccardo Pacula, Beau Kilmer, Alexander C. Wagenaar, Frank J. Chaloupka, Jonathan P. Caulkins, “Developing Public Health Regulations for Marijuana: Lessons From Alcohol and Tobacco”, *American Journal of Public Health* June, 2014): pp. 1021-1028.

U.S. Department of Health and Human Services (HHS), Office of the Surgeon General, Facing Addiction in America: The Surgeon General’s Report on Alcohol, Drugs, and Health. Washington, DC: HHS, November 2016.

Recreational Marijuana in Maine: <https://legislature.maine.gov/9419>: A summary of the statute language, legalization committee, federal legislation, and related news.

*This document was adapted with assistance from Scott Gagnon by the Choose To Be Healthy Coalition serving southern York County from one created by Access Health a community health coalition serving Sagadahoc County [www.AccessHealthME.org](http://www.AccessHealthME.org).*

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