



Advancing Public Health & Equity in Cannabis Policy

Advocating to Improve Cannabis Policy

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Outline

- The Getting it Right from the Start Project
- Advocacy Efforts
- 2021 Legislative Session
- Local Cannabis Policy Scorecards

Getting it Right from the Start

- If a jurisdiction permits the production, marketing, and/or retail sale of cannabis, our mission is to help them implement cannabis policies that protect public health and advance social equity
 - California allows local control of cannabis businesses within a jurisdiction
- A few of the things we do are:
 - Develop model cannabis policies
 - Conduct research and legal analyses
 - Provide technical assistance to local, state, and federal agencies
 - Work with community members and organizations to advocate for better cannabis policies

The Getting it Right from the Start Team



Alisa Padon; PhD



Kiara Gonzalez



Lynn Silver; MD, MPH, FAAP



Bethany Simard; MPH



Aurash Jason Soroosh; MSPH, RD

Advocacy Efforts

- Testifying at federal, state, and local legislative hearings, including:
 - California Cannabis Advisory Committee meetings
 - State Senate and Assembly hearings
 - County and City Council meetings
- Working directly with community members and advocacy organizations
- Circulating model language to help fellow advocates submit written and/or oral comments

California's 2021 Legislative Session

2021 CA Legislative Session: Assembly Bill 1302


- Proposition 64 states that a licensee shall not “Advertise or market on a billboard or similar advertising device located on an Interstate Highway or on a State Highway which crosses the California border.”
- AB 1302 would have amended Business & Professions Code section 26152 to say a licensee shall not “Advertise or market on a billboard or similar advertising device located within a 15-mile radius of the California border on an Interstate Highway or on a State Highway which crosses the California border.”
- Parents in California already sued the former Bureau of Cannabis Control (BCC) when they included similar language in BCC regulations; they won!
 - Farmer v. Bureau of Cannabis Control, San Luis Obispo Superior Court Case No. 19-cv-0597

2021 CA Legislative Session: Assembly Bill 1034

- AB 1034: *Cannabis: retail preparation, sale, or consumption of noncannabis food and beverage products*
 - Would allow licensed storefront and/or microbusiness retailers to prepare and sell conventional foods and beverages for consumption in the same area that cannabis consumption is allowed
- At least one sector of cannabis retailing would transform from a specialized business activity into essentially a restaurant business that also sells cannabis
- AB 1034 was pulled while it was going through the necessary California Senate subcommittee hearings, but it is not yet clear if the author intends to keep it moving in 2022

2021 CA Legislative Session: Assembly Bill 45

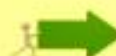
- Legalized the production and sale of foods, beverages, dietary supplements, cosmetics, and pet foods with added hemp derivatives
 - Applicable products can be sold to people of all ages from virtually any type of retail outlet
- The bill was amended at the 11th hour to allow the sale of smokable and vaporizable hemp and extracts to people over 21, and removed all research provisions
 - The following language was removed “It is the intent of the Legislature that objective scientific research regarding the safety of industrial hemp be conducted.”

1 tsp of hemp extract  approx. 4,550 mg of hemp extract

4,550 mg hemp extract \times 0.3% THC $=$ 13.65 mg THC in a cookie

13.65 mg THC $>$ 10 mg THC

It's all in the math!

1 tbsp of hemp extract  approx. 13,650 mg of hemp extract

13,650 mg hemp extract \times 0.3% THC $=$ 40.95 mg THC in a can of soda

40.95 mg THC $>$ 10 mg THC



Local Cannabis Policy Scorecards

What are these scorecards?

- Modeled after the American Lung Association State of Tobacco Control report cards
- Evaluate policies adopted by jurisdictions in California that allow storefront and/or non-storefront retail sales of cannabis
- Goal is to identify the most impactful provisions that can be adopted at the local level
- Scores represent how far jurisdictions have gone above and beyond state law to promote public health and support social equity

Why evaluate local cannabis policy?

- California established a system that gives local government the authority over cannabis businesses in their jurisdiction and can prohibit them from operating within their borders
- Municipalities that do allow cannabis businesses to operate can:
 - Use applicable state regulations as a default for their local rules
 - Adopt provisions beyond state law to control cannabis business operations
- While California's cannabis regulations are robust in some areas, they fall short when it comes to supporting social equity and promoting public health

Why do these scorecards matter?

- A tool to help local regulatory agencies:
 - Recognize gaps in state cannabis policies
 - Measure how effectively their local policies go beyond state law to protect vulnerable citizens and support people who have been disproportionately affected by the criminalization of cannabis
 - Track changes in their local cannabis policies over time
 - Identify best practices implemented in jurisdictions throughout California
- A resource for public health advocates and other community partners

How did we determine scores?

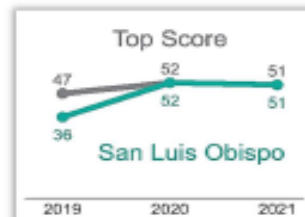
- In-depth review of local cannabis ordinances, city council meeting results, and other documents that identify policies passed by local governments in 539 cities and counties in California
 - Accessed information through platforms like Cannaregs, Municode, city/county websites, and by directly contacting local regulatory officials
- We determined that local control could most effectively be utilized to promote public health and support social equity by adopting storefront and non-storefront retailer regulations beyond state law

Cannabis Policy

San Luis Obispo

2021 SCORECARD

This scorecard analyzes local cannabis ordinances passed prior to January 1, 2021, in each California city or county that legalized storefront retail sales, to assess policies in effect going into 2021. It evaluates to what extent potential best practices were adopted to protect youth, reduce problem cannabis use and promote social equity beyond those already in state law. Scores fall into six public health and equity focused categories for a total maximum of 100 points.



■ Policy Adopted Beyond State Law
 ■ No Policy Adopted Beyond State Law
 ■ Weaker than State Law

RETAILER REQUIREMENTS	TAXES & PRICES	PRODUCT LIMITS	MARKETING	SMOKE-FREE AIR	EQUITY & CONFLICTS OF INTEREST
Limit # of retailers (max. 10 pts) 5	Local retail tax (6 pts) 6	Limit high potency products (max. 6 pts) 6	Limit billboards (max. 6 pts) 3	Prohibit temporary event permits (5 pts) 5	Licensing priority for equity applicants (3 pts) 3
Require distance >600 ft. from schools (5 pts) 5	Revenue dedicated to youth, prevention or equity (max. 6 pts) 0	END THE CANNABIS KIDS MENU		Prohibit on-site consumption (3 pts) 3	Equity in hiring requirements (3 pts) 3
Require distance between retailers (2 pts) 2	Tax by THC content (5 pts) 0	No flavored products for combustion or inhalation (max. 5 pts) 0	Limit therapeutic or health claims (3 pts) 0		Cost deferrals for equity applicants (1 pt) 0
Other location restrictions (max. 3 pts) 2	Prohibit discounting (2 pts) 0	No cannabis-infused beverages (4 pts) 0	Business signage restrictions (3 pts) 3		No prescriber on retail premises (1 pt) 0
Health warnings posted in store (4 pts) 4	Minimum price (1 pt) 0	Limit other products/packaging attractive to youth (2 pts) 0	Limit marketing attractive to youth (2 pts) 0		No prescriber in ownership (1 pt) 1
Health warnings handed out (4 pts) 0					
18	6	6	6	8	7
TOTAL SCORE = 51					

Cannabis Policy

San Benito County

2021 DELIVERY SCORECARD

This scorecard analyzes local cannabis ordinances passed prior to January 1, 2021, in each California city or county that legalized retail sales only by delivery, to assess policies in effect going into 2021. It evaluates to what extent potential best practices were adopted to protect youth, reduce problem cannabis use and promote social equity beyond those already in state law. Scores fall into six public health and equity focused categories for a total maximum of 100 points.



■ Policy Adopted Beyond State Law

■ No Policy Adopted Beyond State Law

■ Weaker than State Law

RETAILER REQUIREMENTS	TAXES & PRICES	PRODUCT LIMITS	MARKETING	SMOKE-FREE AIR	EQUITY & CONFLICTS OF INTEREST
Require local permit (max. 12 pts) 12	Local retail tax (6 pts) 6	Limit high potency products (max. 6 pts) 0	Limit billboards (max. 6 pts) 6	Prohibit temporary event permits (5 pts) 5	Licensing priority for equity applicants (3 pts) 0
Medical delivery sales allowed (3 pts) 3	Revenue dedicated to youth, prevention or equity (6 pts) 0	END THE CANNABIS KIDS MENU		Prominent health warnings on ads (4 pts) 0	Equity in hiring requirements (3 pts) 0
Use of Independent ID Verification Software (10 pts) 0	Tax by THC content (5 pts) 0	No flavored products for combustion or inhalation (max. 5 pts) 0	Limit therapeutic or health claims (3 pts) 0		Cost deferrals for equity applicants (1 pt) 0
Limit delivery destinations (max. 10 pts) 7	Prohibit discounting (2 pts) 0	No cannabis-infused beverages (4 pts) 0	Business signage restrictions (3 pts) 0		No prescriber in ownership (1 pt) 0
Health warnings handed out (4 pts) 0	Minimum price (1 pt) 0	Limit other products/packaging attractive to youth (2 pts) 0	Limit marketing attractive to youth (2 pts) 0		
22	6	0	6	5	0
TOTAL SCORE = 39					

Dissemination

- Initially, we send the scorecards directly to jurisdictions, so they have an opportunity to review them privately
 - This has proven to be very useful; some jurisdictions implement measures that protect public health and/or advance social equity but are not always apparent when reviewing their local ordinances.
- After incorporating feedback and adjusting scores, we make the scorecards publicly available and promote them with a press release

2021 Key Findings

- The number of jurisdictions that allow retail sales of cannabis either through storefronts or by delivery is increasing
 - 263 jurisdictions in 2019
 - 276 jurisdictions in 2020
 - 281 jurisdiction in 2021
- Among jurisdictions that regulated storefront retail sales of cannabis, the highest scorer in California was the City of San Luis Obispo, which received 51 points.
- Among jurisdictions that allowed retail sales of cannabis only by delivery, the highest scorer in California was San Benito County, which received 39 points

Thank You!

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