

# **Beyond Legalized Marijuana Policy: What's Really Happening to the Children in Washington State!**

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**Esther Larsen, JD, Spokane County Sheriff's Office  
Linda Thompson, MA, CPP, Greater Spokane Substance Abuse Council**

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# Introduction and Overview

- ❖ History of Legalization of Marijuana in Washington
- ❖ Examples of Legislation, Regulation and Implementation at Local, State and Federal Levels
- ❖ What Voters Thought They Approved vs Reality
- ❖ Washington State Healthy Youth Survey Trends
- ❖ What Marijuana is Really Costing Our Communities

# Introduction and Overview

- ❖ Impact on Our Children
- ❖ Reach Out to Key Partners in Your State and Region
- ❖ Advocacy and Education
- ❖ Lessons Learned
- ❖ Mobilize Now and Be Bold
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# History of the Legalization of Marijuana in Washington State

## ❖ Medical Marijuana

- Originally enacted in 1998 with amendments in 2011
  - RCW 69.51A Medical Cannabis
  - Authorized Collective Gardens
    - ✓ Up to 10 patients with 45 plants & 72 ounces of usable marijuana
  - Qualifying patients, caregivers and health care professionals
    - ✓ 60 day supply (up to 15 plants & 24 ounces of useable marijuana)

# History of the Legalization of Marijuana in Washington State

## ❖ Medical Marijuana

- Medical Cannabis Dispensaries are not allowed under either medical or recreational marijuana laws
- THC levels not addressed in state law
- Healthcare providers may recommend medical marijuana for any patient; must be medically appropriate under the law and standard of care
- Qualified patients with valid written recommendation and their designated providers have an affirmative defense to criminal prosecution for a variety of laws; however, no exception for DUI marijuana

# History of the Legalization of Marijuana in Washington State

## ❖ Recreational Use of Marijuana

- Legislative Efforts for several years with no legislation passed
- November 2012: Voters Pass Initiative 502 (I-502)
- December 6, 2012: legal to possess marijuana, but no licensed entities existed

# Legislation, Regulation and Implementation

- ❖ Components of I-502 – Recreational Use of Marijuana
  - Possession of up to 1 ounce by adults 21 or older is not a crime
  - Possession of up to 16 ounces of infused solids or 72 ounces of infused liquid products are not crimes
  - Possession, use and sale of marijuana-related drug paraphernalia are no longer crimes
  - Possession of between 28.3 and 40 grams remains a misdemeanor
  - Possession of 40 grams or more remains a Class C felony

# Legislation, Regulation and Implementation

- ❖ Components of I-502 – Recreational Use of Marijuana
  - Possession of any amount by anyone under 21 remains a crime
  - Unlicensed manufacture, delivery or sale are crimes
  - Displaying or consuming marijuana or infused product in public is a Class 3 civil Infraction

# Legislation, Regulation and Implementation

## ❖ Location requirements

- Local zoning laws apply for state-licensed production, processing and selling entities; 1000 foot distance (currently under revision to avoid conflict with federal laws) from:
  - Elementary or secondary school
  - Playground
  - Recreational center or facility
  - Child care center
  - Public park
  - Public transit center
  - Library, or
  - Any game arcade where admission is not restricted to persons 21 years of age or older

# Legislation, Regulation and Implementation

- ❖ Production, processing and retail licenses
  - Three license tiers: producer, processor and retail
  - Licensee may be producer and processor simultaneously, but not also be retailer
  - 30-day window to apply for licenses
  - 3 months' of state residency required
  - Criminal history, fingerprint and background check
  - Point system with limit for arrests and/or convictions
  - Limits on licenses, production and amount of marijuana

# Legislation, Regulation and Implementation

## ❖ Taxation

- Producers: 25% excise tax on wholesale sales; Business and Occupation (B&O) tax as wholesaler
- Processor: 25% excise tax on wholesale sales; Business and Occupation (B&O) tax as manufacturer
- Retailer: 25% excise tax on retail sales; Business and Occupation (B&O) tax as retailer; collect state/local retail sales and use tax
- Retail buyers: pay state/local retail sales and use tax



# Legislation, Regulation and Implementation

- ❖ Medical Marijuana Revisions to Existing Law
  - 2013 Washington Legislature - Budget Proviso - 3ESSB 5034 Sec. 141(2)
  - Legislature directed Liquor Control Board (LCB) to work with the Departments of Health and Revenue to develop recommendations for the Legislature regarding the interaction of medical marijuana regulations and the provisions of Initiative Measure No. 502. At a minimum, the recommendations were to include provisions addressing the following:

# Legislation, Regulation and Implementation

- (i) Age limits;
  - (ii) Authorizing requirements for medical marijuana;
  - (iii) Regulations regarding health care professionals;
  - (iv) Collective gardens;
  - (v) Possession amounts;
  - (vi) Location requirements;
  - (vii) Requirements for medical marijuana producing, processing and retail licensing; and
  - (viii) Taxation of medical marijuana in relation to recreational marijuana.
- 
- The LCB submitted its recommendations to the appropriate committees of the Legislature on December 18, 2013.

# Legislation, Regulation and Implementation

- The Department of Health convened a task force of health professionals to adopt Medical Marijuana Authorization Practice Guidelines
- Draft Guidelines set forth August 25, 2014
- All Guidelines are “should” not “shall”
- Washington Court of Appeals, Division I, clarified that qualified patients and their designated providers, including those who have collective gardens, have only an affirmative defense to criminal prosecution. *Cannabis Action Coalition v. City of Kent*, No. 70396-0-1 (Wash. Ct. App. Mar. 31, 2014).
- Process now moves to Legislature

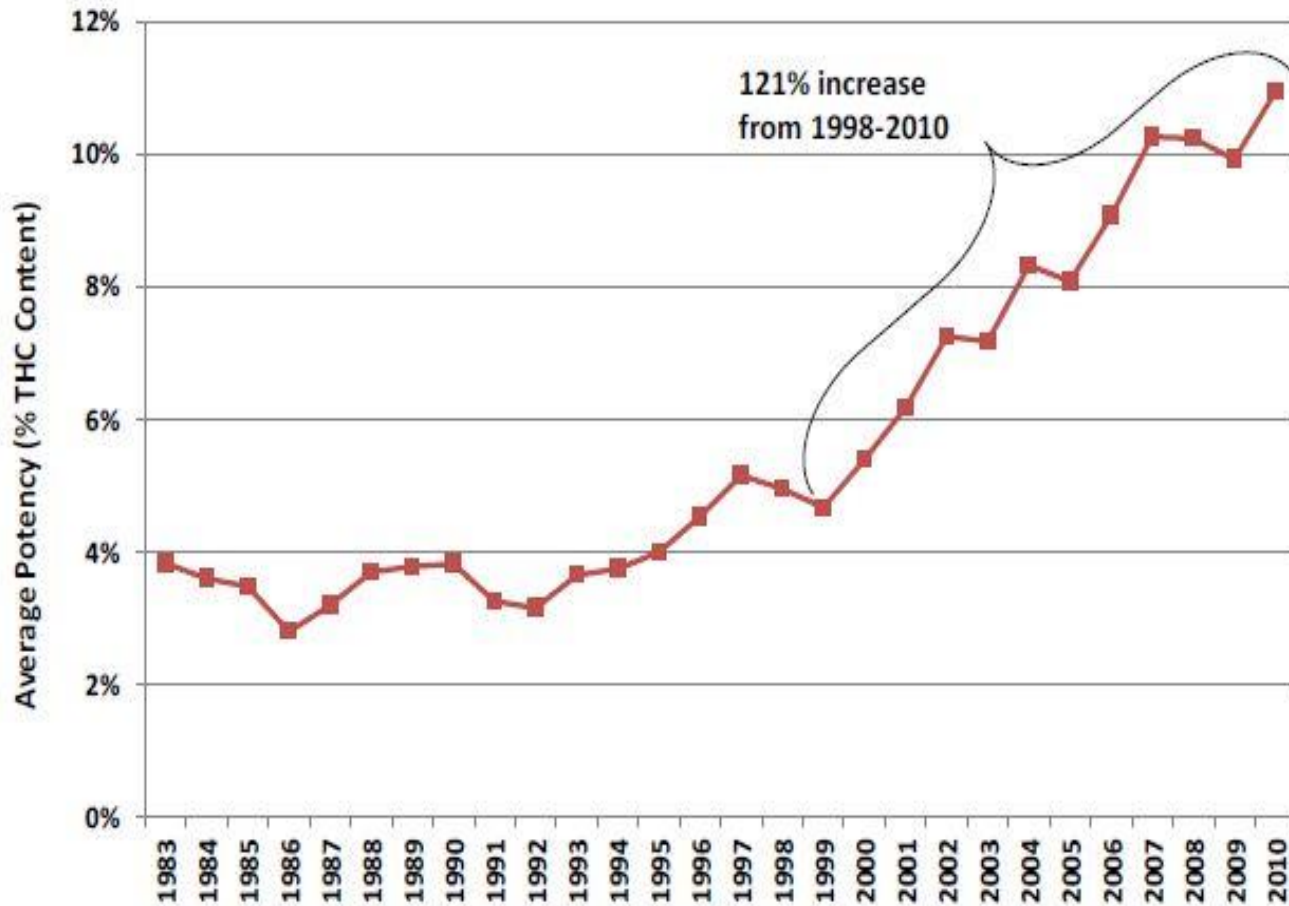
# What Voters Thought They Approved vs Reality

- ❖ Jails emptied of minor marijuana offenders
  - No significant reduction in jail population because minor marijuana offenders were small percentage
- ❖ Youth would not have access to marijuana
  - Marijuana readily available to our youth

# What Voters Thought They Approved vs Reality

- ❖ Marijuana perceived as harmless
  - Schools, emergency departments, parents seeing harmful effects among youth using marijuana
  - Potency – Outdated perception of “it’s just marijuana” no longer applies

## Potency of Seized Marijuana in the U.S.



Source: University of Mississippi, National Center for Natural Products Research, *Potency Monitoring Project Quarterly Report 115* (December 2011)

# What Voters Thought They Approved vs Reality

- ❖ Production, Processing and Retail facilities would be “appropriately” sited (NIMBY!!)
  - Neighborhoods impacted despite buffers
  - Drug paraphernalia sold in a variety of convenience and other retail outlets
  - “Private clubs” are among law’s loopholes

# Implementation of I-502

- The Center for the Study of Cannabis and Social Policy (CASP) surveyed the 75 largest cities and towns in WA State:
  - 23 have passed zoning ordinances
  - 34 have placed 6-12 month moratoriums on siting
  - 4 have banned marijuana businesses in the absence of Federal approval (Kent, Lakewood, Wenatchee, SeaTac)
  - 14 have taken no action
- Nine counties have enacted moratoriums – Pierce has banned businesses in the absence of Federal approval



# What Voters Thought They Approved vs Reality

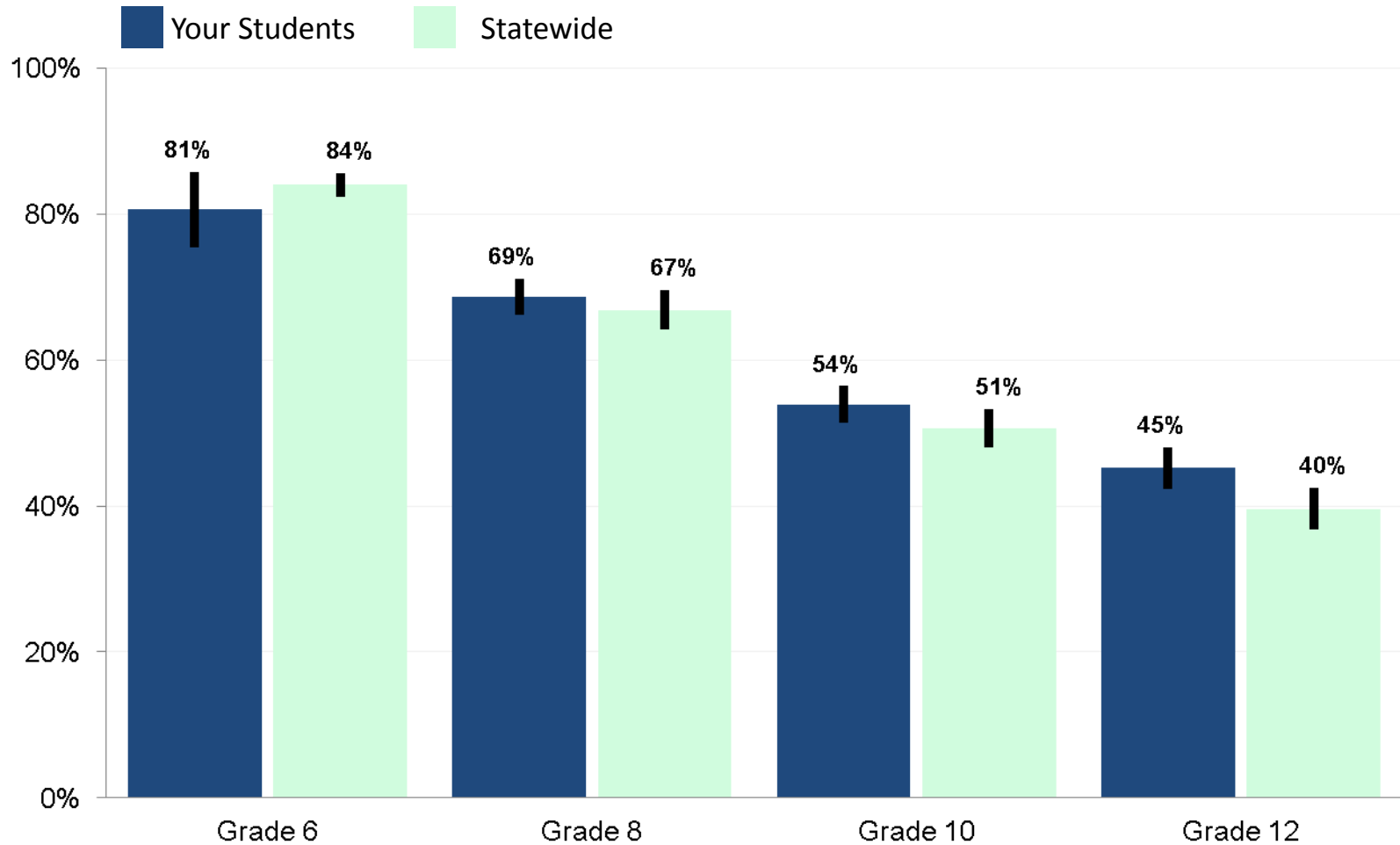
- ❖ Black Market would be eliminated
  - Black market is thriving despite regulations
  - State stores eliminated with liquor privatization
- ❖ Taxation would generate revenue for prevention, law enforcement, treatment, etc.
  - No net revenue generated to date; societal costs will far outweigh any revenue generated

# Washington State Healthy Youth Survey Trends

- ❖ Perception of Harm
- ❖ Availability
- ❖ Use and Consequences

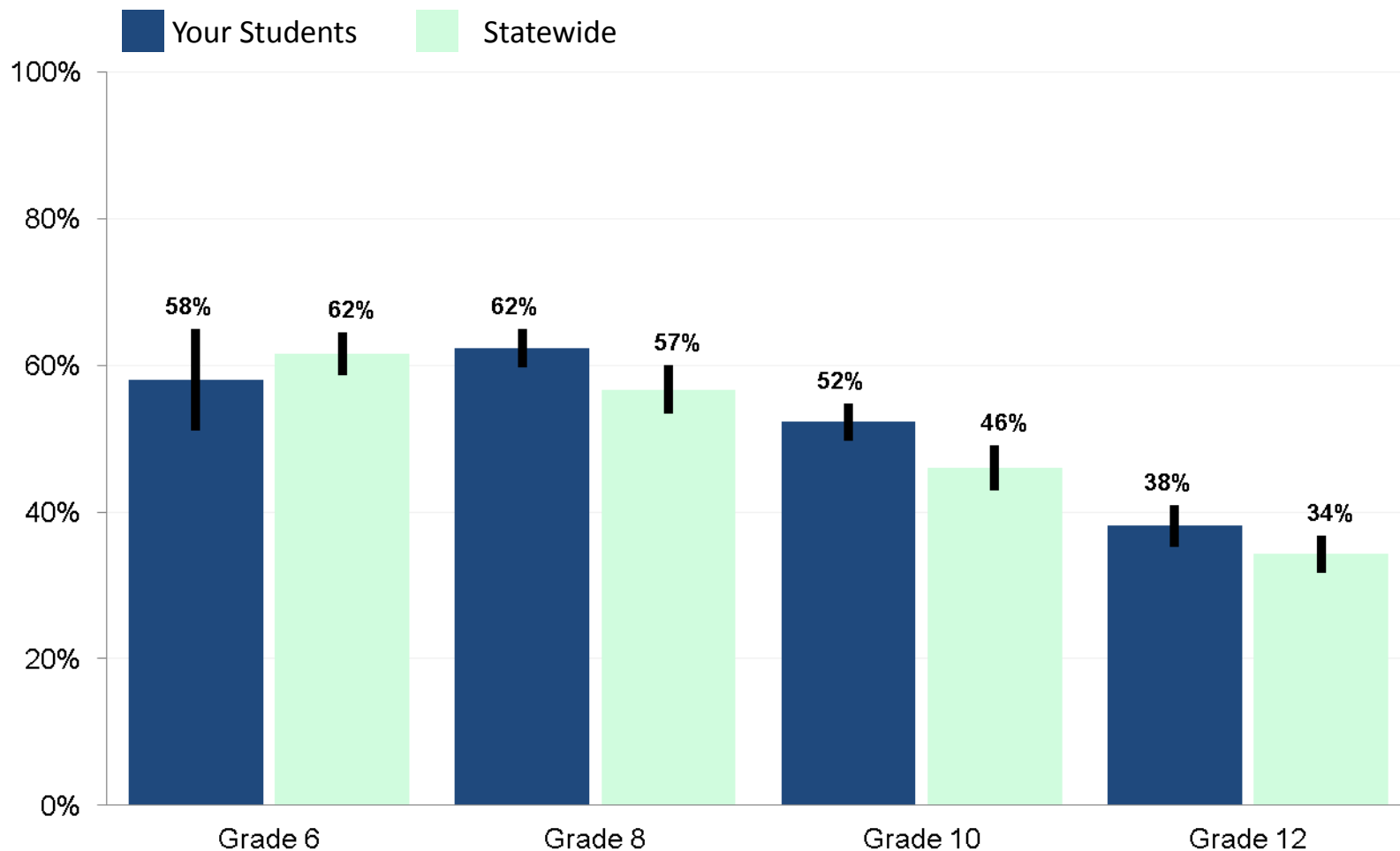
# Perception of Neighborhood Norms - Marijuana

Percent of students who report that adults in their neighborhood think youth marijuana use is "very wrong"



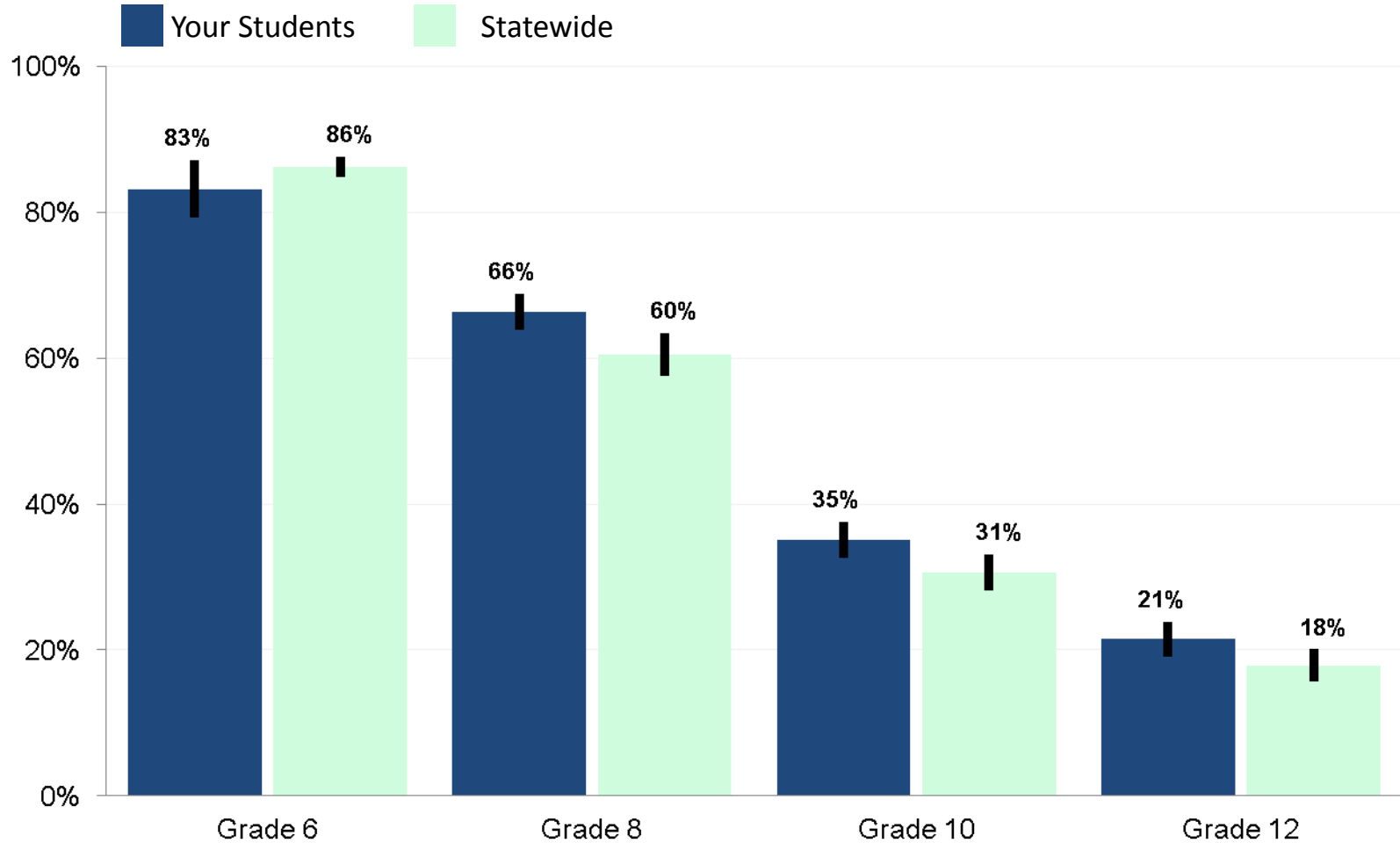
# Perceived Risk of Regular Marijuana Use

Percent of students who report "great risk" of harm from smoking marijuana at least once or twice a week



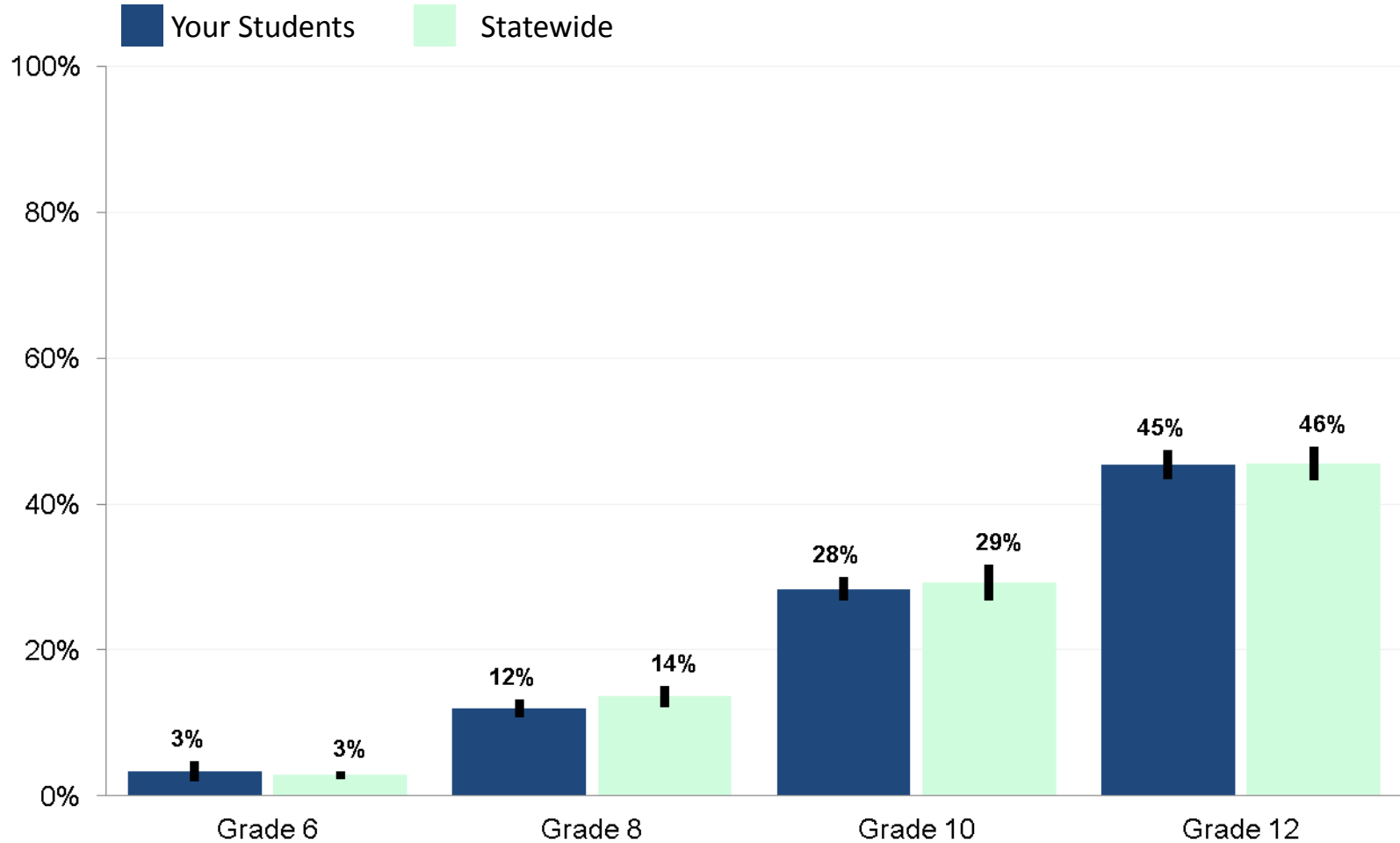
# Perceived Availability of Marijuana

Percent of students who report marijuana would be "very hard" to get



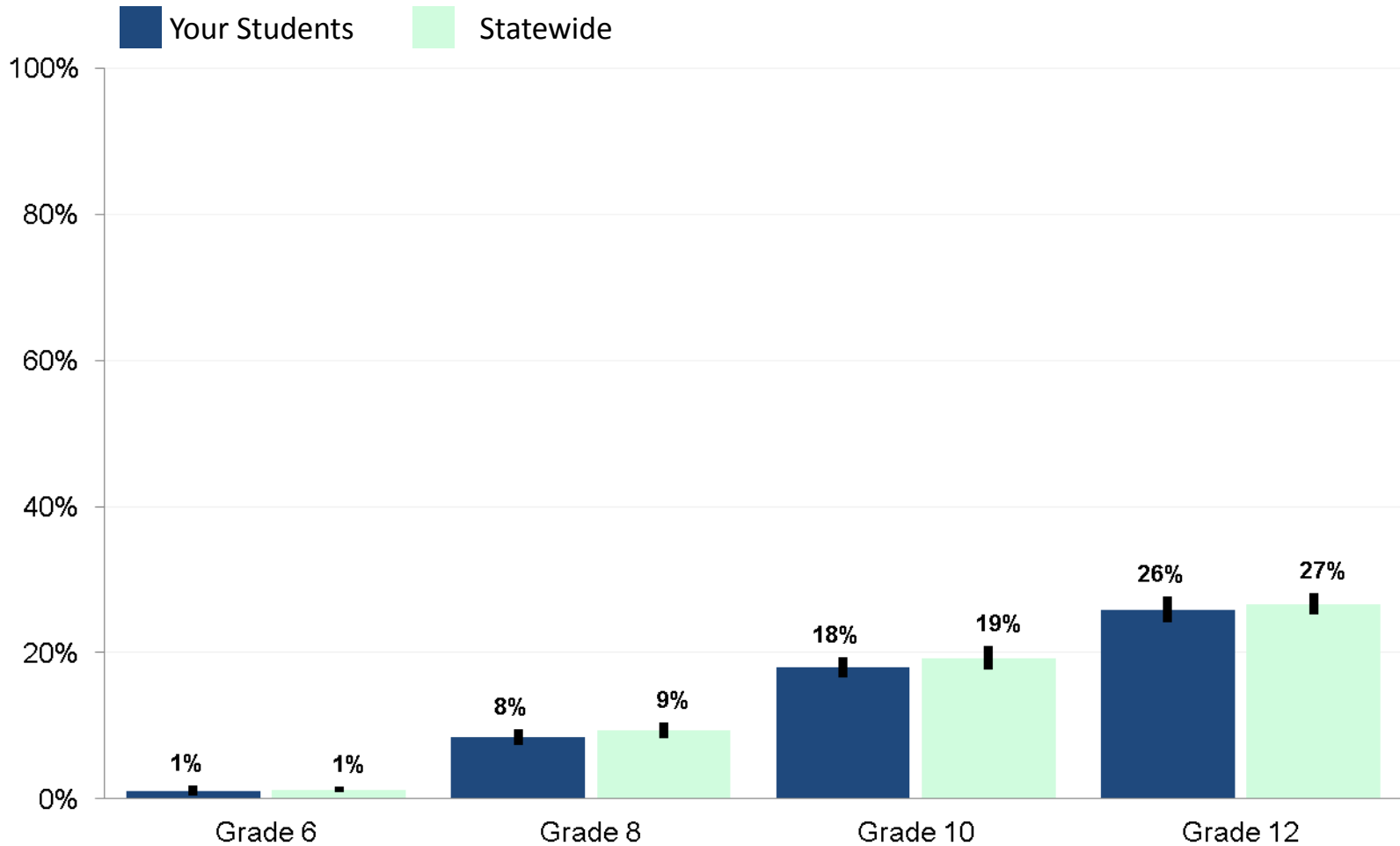
# Lifetime Marijuana Use

Percent of students who report having ever smoked marijuana



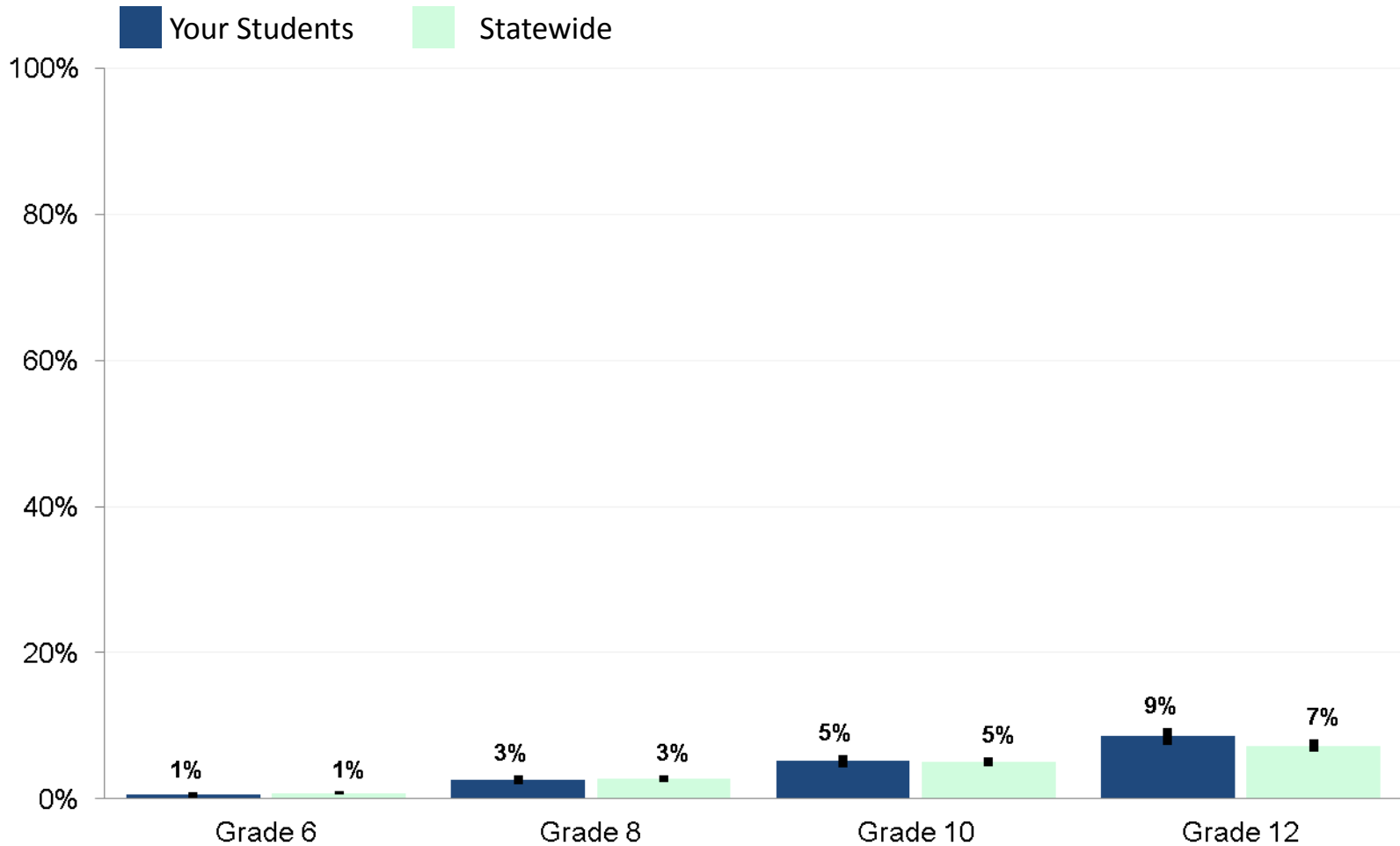
# Current Marijuana Use

Percent of students who report smoking marijuana  
in the past 30 days



# Current Illegal Drug Use

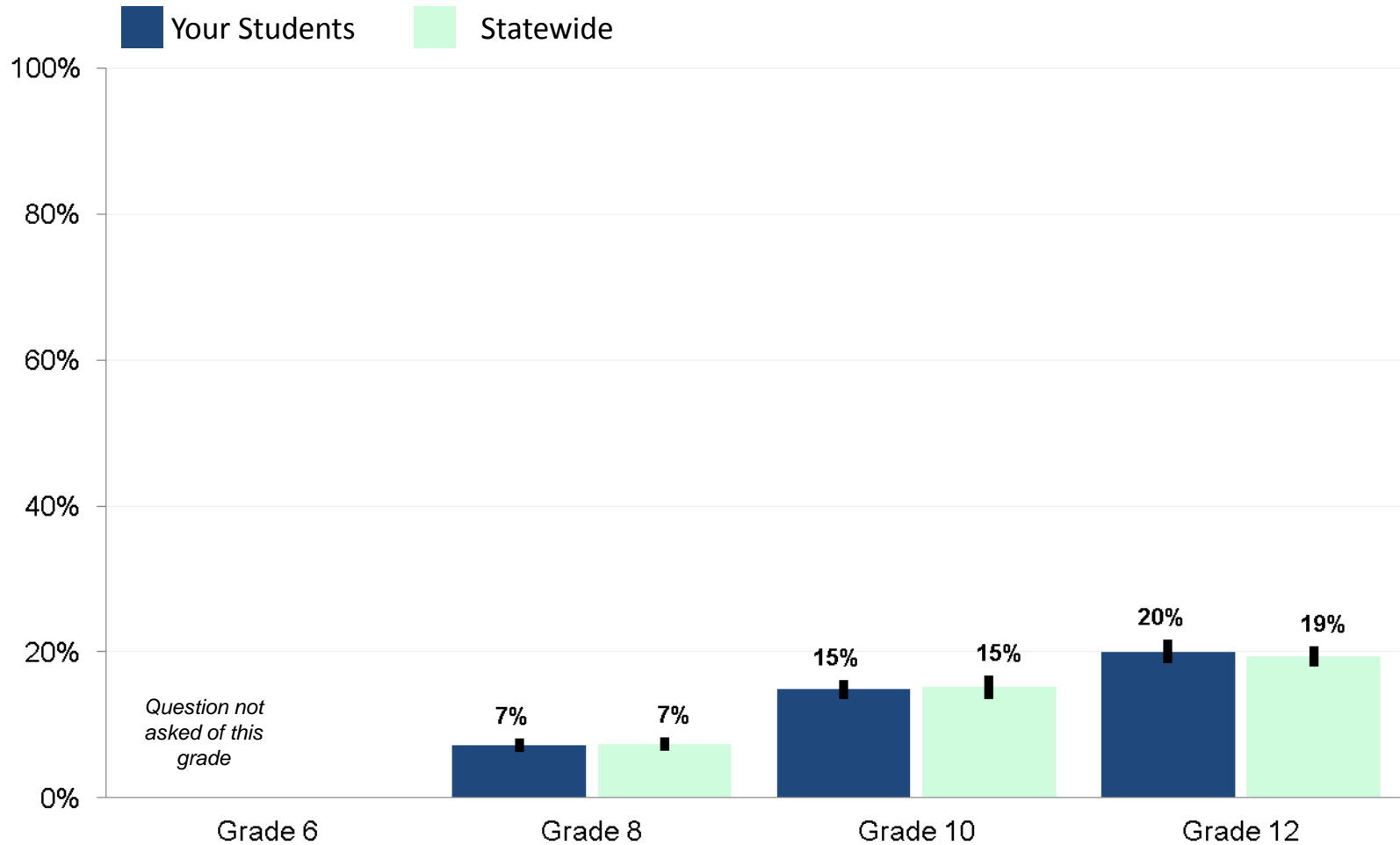
Percent of students who report using illegal drugs in the past 30 days (not including alcohol, tobacco or marijuana)





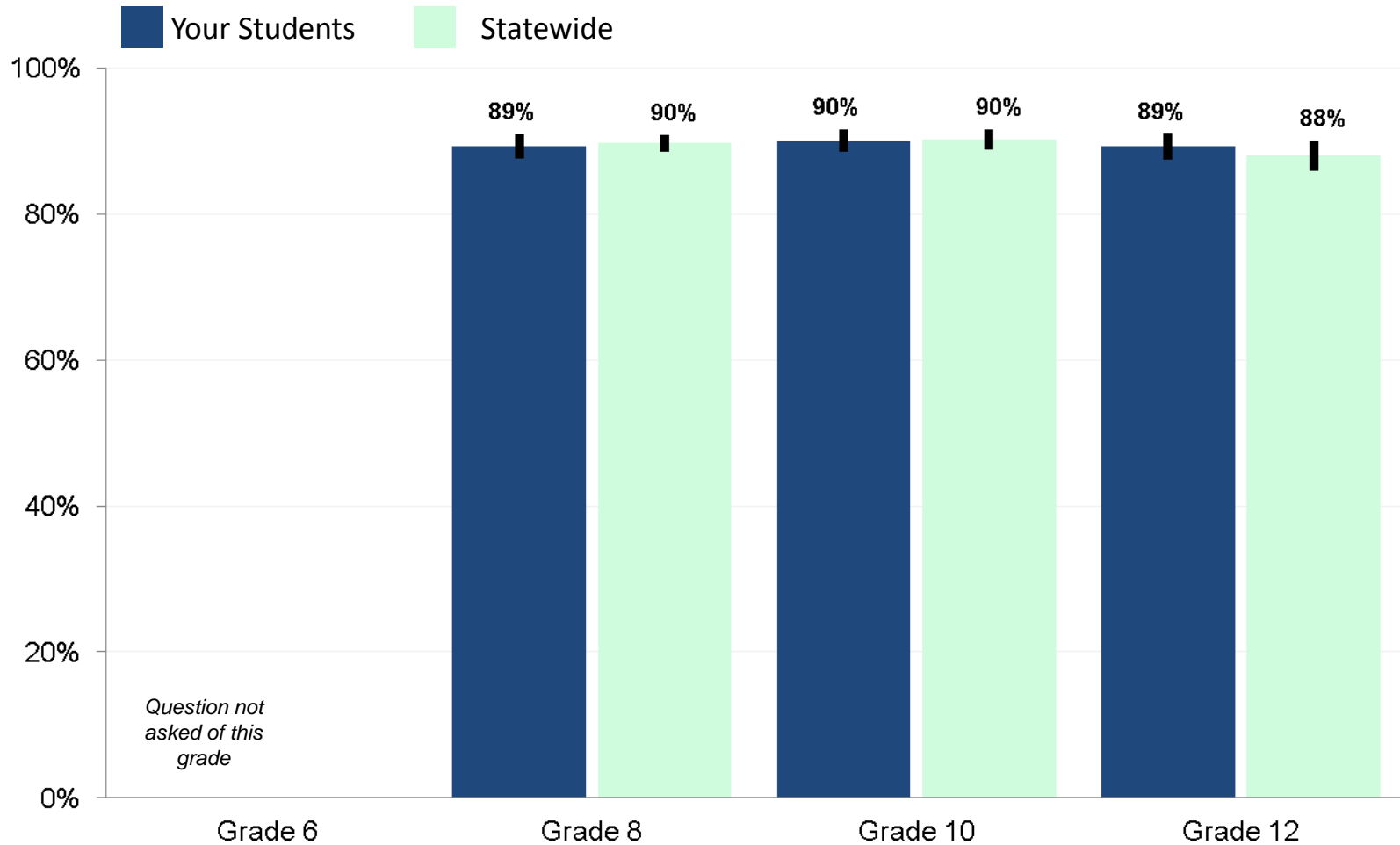
# Substance Use at School

Percent of students who report being drunk or high at school  
in the past year



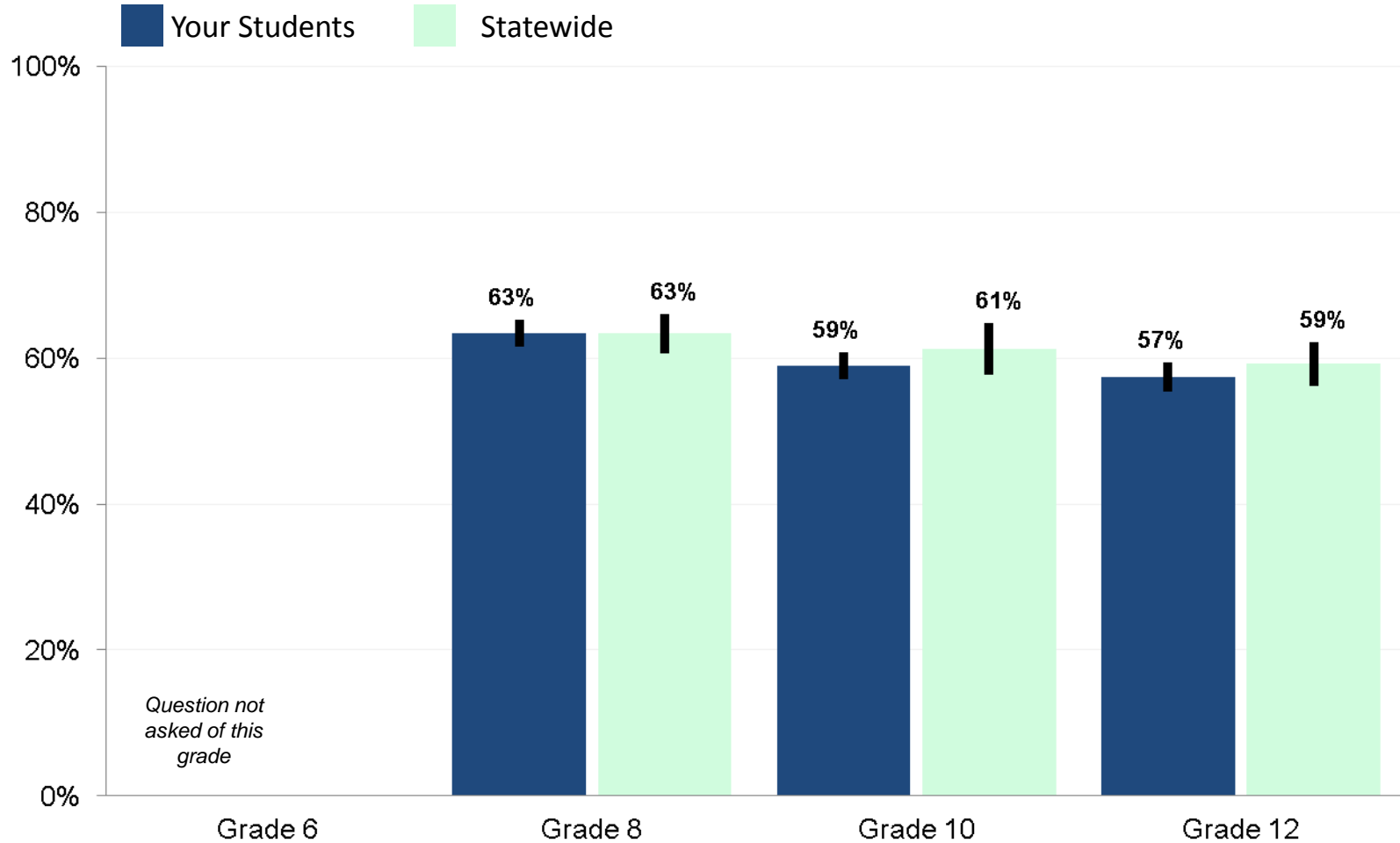
# Enforcement of Alcohol and Drug Policies

Percent of students who report their school punishes students caught using alcohol or drugs

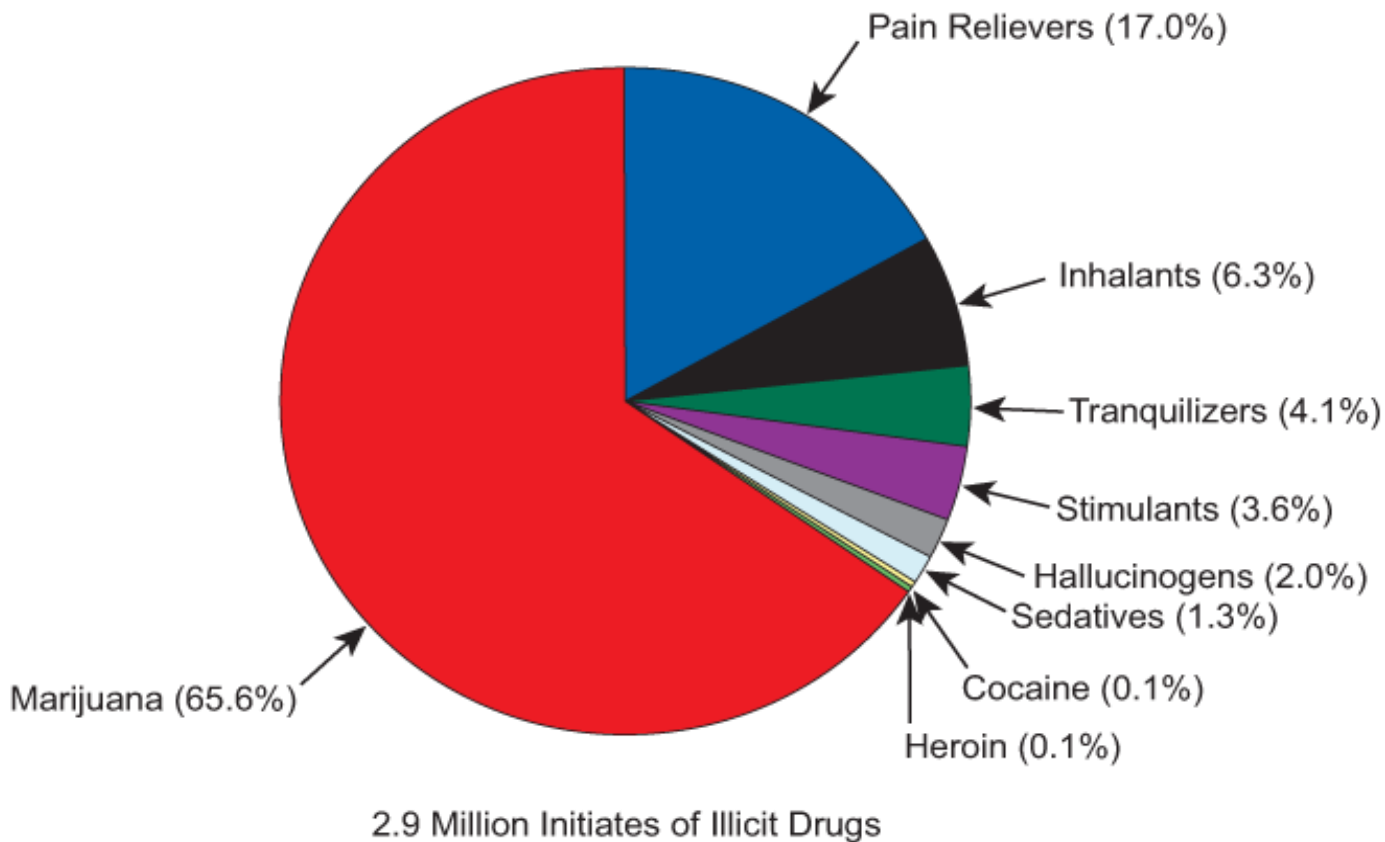


# Help at School for Problems with ATOD

Percent of students who report school having staff for students to discuss problems with alcohol, tobacco or other drugs



❖ "First Specific Drug Associated with Initiation of Illicit Drug Use  
❖ Among Past Year Illicit Drug Initiates Aged 12 or Older: 2012"



Note: The percentages do not add to 100 percent due to rounding or because a small number of respondents initiated multiple drugs on the same day. The first specific drug refers to the one that was used on the occasion of first-time use of any illicit drug.

Source: Substance Abuse and Mental Health Services Administration, *Results from the 2012 National Survey on Drug Use and Health: Summary of National Findings*, NSDUH Series H-46, HHS Publication No. (SMA) 13-4795. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2013.

# What Marijuana is Really Costing Our Communities

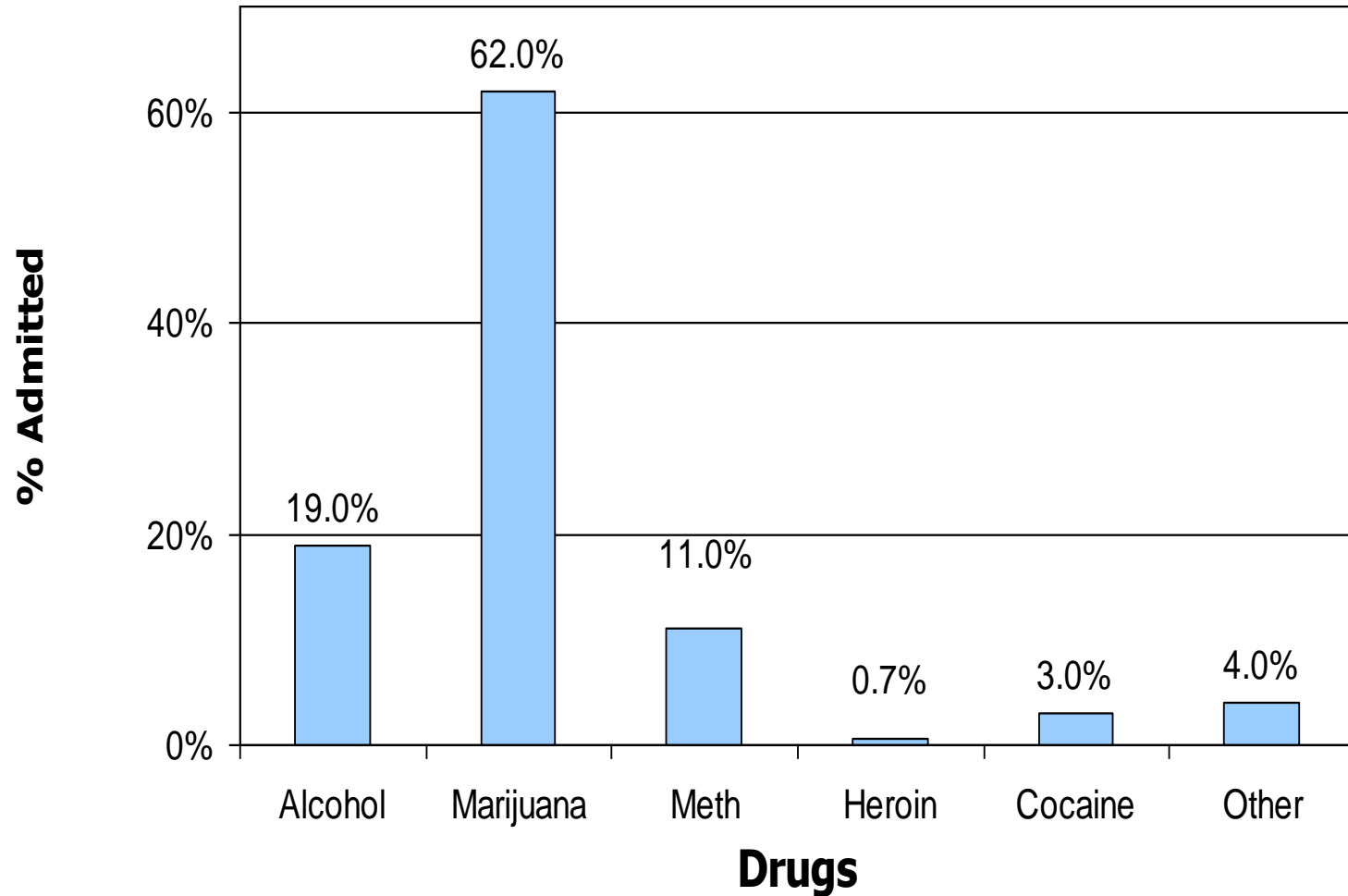
- ❖ Reputation of Washington State
  - Marijuana used to promote tourism
  - Washington perceived as progressive
  - Events using marijuana-related themes
    - “Get High on Widget Making . . . Come to the National Conference in Washington State.”

# What Marijuana is Really Costing Our Communities

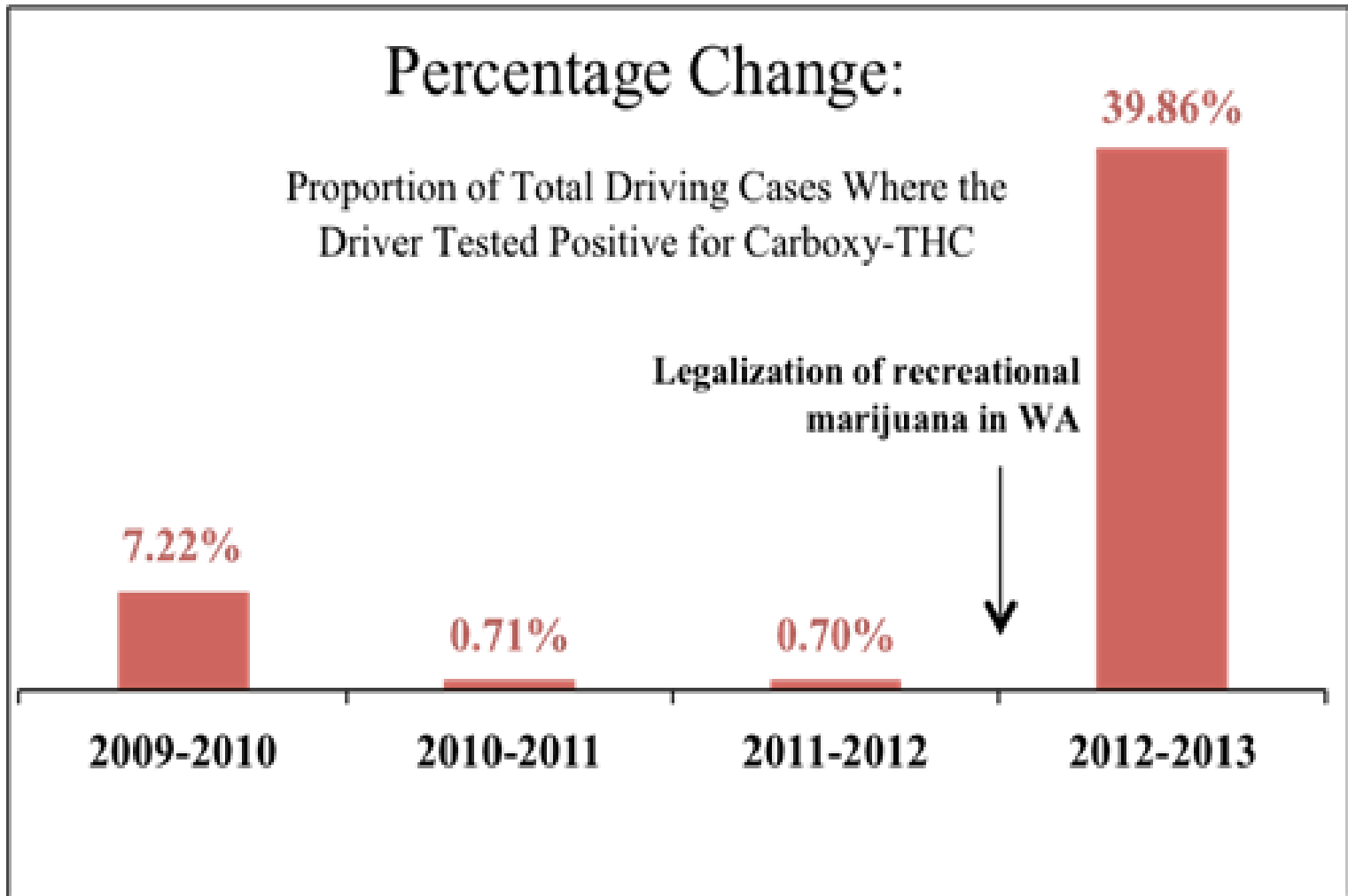
## ❖ Societal Costs

- Productivity, health and crime-related costs exceed \$600 billion annually nation-wide
  - \$235 billion for alcohol
  - \$193 billion for tobacco
  - \$181 billion for illicit drugs
- Alcohol taxes and fees cover only 6 % of these actual social costs—tobacco taxes and fees cover only 13 % of related social costs. The shortfall associated with marijuana is projected to be similar

# Publicly-funded Treatment Admissions of Washington State Youth



# Increase in Percentage of DUIs Where Marijuana is Detected





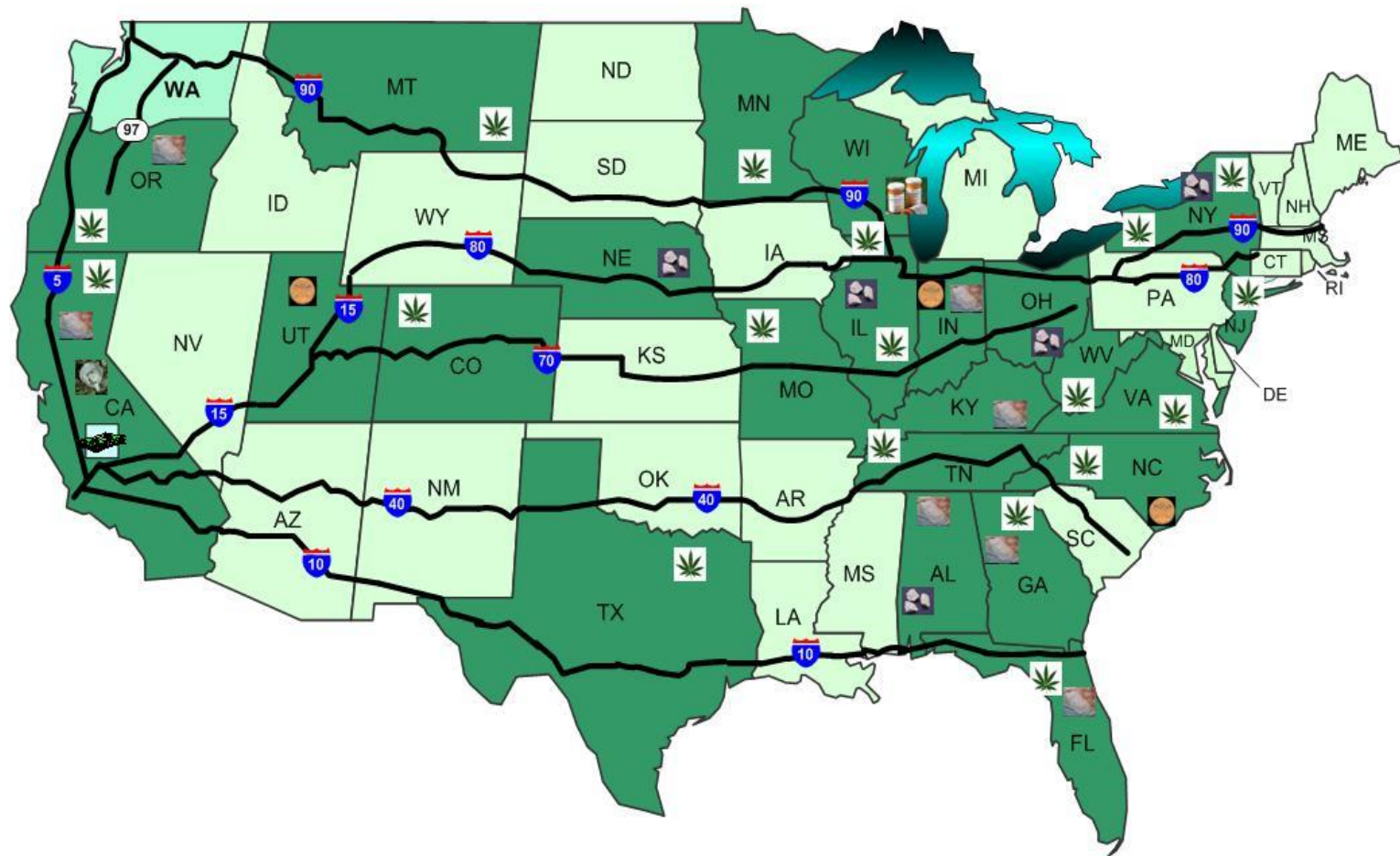


Of the estimated **22 million pounds** of marijuana grown each year in the United States, nearly **80 percent** comes from California, Tennessee, Kentucky, Hawaii, and Washington.

# Marijuana Distribution Originating in Washington State

## Narcotic-Related Shipments Distributed from Washington State

Data Source: El Paso Intelligence Center, 2000 - 2004



# Impact on Children

- ❖ Advertising
- ❖ Parental/Guardian Use
- ❖ Community Norms
- ❖ Long range impact on human development
- ❖ Education & Employment Challenges

# I-502: marijuana advertising & marketing



BIGBUDSMAG.COM  
BIGBUDSMAG.COM

Smart phone apps



Social media marketing



Product placement: Snoop Dogg smoking a blunt on "One Life to Live".

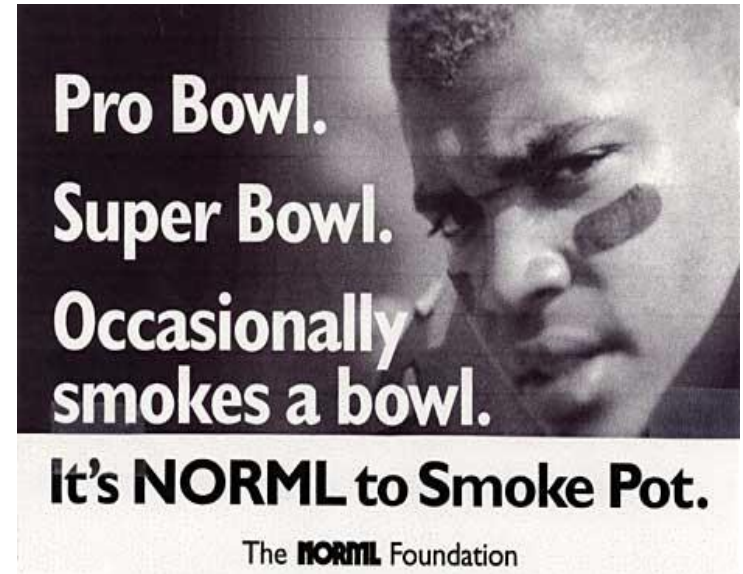


Sponsorships



# Lessons Learned: Advertising

In alcohol ads . . . Drinking is associated with being sexy, popular, and fun . . . These portrayals are extremely enticing to adolescents . . . One can speculate that distributors of marijuana quickly would recognize the profitability of portraying marijuana in a similar manner.



# Access at Home



With the demise of legal sanctions against use, some parents may choose to begin using marijuana, acting as an important new source of exposure for their adolescents. Parental use of marijuana in the last year is associated with their adolescent's use during the same period.\*

*\*Legalization of Marijuana: Potential Impact on Youth, American Academy of Pediatrics*

# Candies & Edibles Appeal to Kids







**TEXACO**



TECHRON 2

ICE 6 PACK 3.99 14 OZ CANS

6 PACK 4.99 12 OZ CANS

18 PACK 12.99 12 OZ 1809 CANS

25 OZ CANS 11.99

BLAZE BEER 11.99

EARNING IT 15.99

OPEN

SUPER C STORE BEVERAGES ICE HATS & SUNGLASSES DELI CANDY MILK & DAIRY SNACKS





# Impact on Human Development

- ❖ Acute Effects
- ❖ Long-term Effects

# Acute Effects

- Euphoria
- Calmness
- Increased concentration, eliminates boredom
- Appetite stimulation (munchies)
- Decreased saliva (cotton mouth)
- Altered perception of time
- Impaired coordination and balance
- Anxiety, panic
- Increased heart rate
- Impaired short-term memory
- Difficulty with learning and complex tasks
- Impaired decision-making

# Long-term Effects

- Cognitive Impairment (learning, memory, attention)
- Affects REM (dream) sleep
- Interferes with the maturation process, has the capacity to induce regression, “irreversible immaturity” – may affect brain development during adolescence
- Produces tolerance and dependence (15%+ in several studies)
- Withdrawal: irritability, restlessness, poor concentration, decreased appetite

# Long-term Effects

- Impairs lung function
- Immunosuppressant (colds, flu)
- Several reports of an association with schizophrenia – to a lesser extent, depression, anxiety and suicidal ideation
- Pregnancy: THC crosses the placental barrier and can be passed in breast milk; some evidence of low birth weight and Apgar scores; withdrawal in newborns

# Recent Findings Regarding Youth Using Marijuana

- ❖ Teenagers daily using marijuana are:
  - 60 % less likely to complete high school or obtain a university degree
  - 7 times more likely to attempt suicide
  - 8 times more likely to use other drugs
  - More likely to become addicted to marijuana
  - Have an increased risk of marijuana-induced psychosis
  - Have an increased risk of schizophrenia
  - Permanent impairment of cognitive functions

*Lancet Psychiatry, 2014*

# Reach Out to Key Partners in Your State and Region

- ❖ Reach out early and often
- ❖ Find a leader/leading organization
- ❖ Know who is with you and who is not
- ❖ Meet with state and federal agencies
- ❖ Expand partnerships beyond DEC Team

# DOJ Priorities for States Legalizing Marijuana Possession

- ❖ Prevent distribution to minors
- ❖ Prevent industry revenues from going to criminal enterprises, gangs and cartels
- ❖ Prevent diversion to other states
- ❖ Prevent legal marijuana from providing cover for other illegal drug trafficking activity

# DOJ Priorities for States Legalizing Marijuana Possession

- ❖ Prevent violence and use of guns in the cultivation and distribution of marijuana
- ❖ Prevent drugged driving and other adverse public health consequences
- ❖ Prevent the growing of marijuana on public land and related safety and environmental concerns
- ❖ Prevent marijuana possession or use on federal property



# National Overview

## State Legislation 2014

- ❖ 2 states have legalized possession
- ❖ 21 states and D.C. have approved marijuana as medicine, 8 other states are considering
- ❖ 13 states have also decriminalized marijuana possession
- ❖ Ballot measures to establish medical status will be on the ballot in Florida, and are seeking signatures in Alaska, Arizona, and Oregon.
- ❖ Legislation to medicalize is pending in Kentucky, Minnesota, New York, Ohio, Pennsylvania, West Virginia and Wisconsin



# Advocacy and Education

- ❖ Be knowledgeable about potential issues with legalized marijuana
- ❖ Understand the rules about lobbying vs educating
- ❖ Be persistent in lining up presentation, media and other opportunities to educate the public

# Lessons Learned

- ❖ Too late, too few, too little
- ❖ There will be complete disregard for the law
- ❖ You will need 5 times as many willing speakers for public hearing than you think (700:8)
- ❖ Engage the media in as many ways as possible
- ❖ Speak up for the children as often as you can, in every way you can and for as long as you can

# Mobilize Now and Be Bold

- ❖ Start now . . . the legalization movement is here!
- ❖ Understand every detail and consequence of proposed legislation/initiative
- ❖ Secure solid commitments
- ❖ Be open to unanticipated supporters
- ❖ Back up your statements with accurate data
- ❖ Get into the action . . . Now is the time to be bold!

# Resources

- ❖ [www.wadecalliance.org/marijuana.html](http://www.wadecalliance.org/marijuana.html)
- ❖ [www.wasavp.org](http://www.wasavp.org)
- ❖ [www.liq.wa.gov](http://www.liq.wa.gov)
- ❖ [www.whitehouse.gov/ondcp/marijuana](http://www.whitehouse.gov/ondcp/marijuana)

[www.wadecalliance.org](http://www.wadecalliance.org)

WASHINGTON ALLIANCE  
FOR DRUG ENDANGERED CHILDREN



Rescue. Defense. Shelter. Support.

Thank you.