Washington State Recreational Marijuana Law and the State’s Prevention Response, Part 1

Michael Langer
Washington State Division of Behavioral Health and Recovery
June 12
9:45-10:45

Presentation Overview

• Prevention Pre-Initiative 502
• Implementing I-502
• Emergency Rules on Edibles
• Store Siting
• 2015 Legislative Changes
• Washington Marijuana laws compared to other legalized states

Pre-Initiative 502

• Initiative 692 (I-692 or the Medical Use of Marijuana Act) was an initiative in November 1998

<table>
<thead>
<tr>
<th>Yes or no</th>
<th>Votes</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>1,121,091</td>
<td>56.97%</td>
</tr>
<tr>
<td>No</td>
<td>760,031</td>
<td>41.93%</td>
</tr>
<tr>
<td>Total votes</td>
<td>1,882,122</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Voter turnout: 45.5%
Electoral vote: 4,191,290
Pre-Initiative 502

- I-502 campaign used private funding only

- Initiative 502 Author:
  - Alison Holcomb, the American Civil Liberties Union of Washington, I-502 campaign director for New Approach Washington

- Registered sponsors for the measure include:
  - John McKay, former U.S. Attorney for the Western District of Washington
  - Seattle City Attorney Pete Holmes
  - Kim Marie Thorburn, M.D. and M.P.H., former director of the Spokane Regional Health District
  - Rick Steves, Travel Writer

Pre-Initiative 502

- Washington Initiative 502 (I-502) was a recreational marijuana legalization initiative passed in November 2012

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>Yes votes</td>
<td>1,564,099</td>
<td>59.7%</td>
<td></td>
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<tr>
<td>No votes</td>
<td>1,171,257</td>
<td>40.3%</td>
<td></td>
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<tr>
<td>Total votes</td>
<td>2,735,356</td>
<td>100.0%</td>
<td></td>
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<tr>
<td>Registered voters</td>
<td>1,891,140</td>
<td>70.27%</td>
<td></td>
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</table>

Funding for I-502
- Pro-$5.6 million
- Con-$16,000

Pre-Initiative 502

- I-502 Summary:
  - Removes state-law prohibitions against producing, processing, and selling marijuana
  - Subject to licensing and regulation by the liquor control board
  - Allow limited possession of marijuana by persons aged twenty-one and over
  - Imposes 25% excise taxes on wholesale and retail sales of marijuana earmarking revenue for purposes that include:
    - substance-abuse prevention
    - research
    - education
    - healthcare
  - Laws prohibiting driving under the influence include maximum thresholds for THC blood concentration at 5ng/ml of whole blood
Taxation

• Imposes effective tax rate of 37% - 44% on final marijuana sales
• Excise tax forecast projections
  • FY 2015 $36.3 million
  • FY 2016 $80.0 million
  • FY 2017 $119.8 million

Implementing I-502

Agencies Named In I-502:
• Liquor Control Board (LCB)
• Department of Social and Health Services (DSHS)
• Washington State Institute for Public Policy (WSIPP)
• University of Washington Alcohol & Drug Abuse Institute (ADAI)
• Department of Health (DOH)
• Health Care Authority (HCA)
• University of Washington and Washington State University

State Agency Roles:
• Liquor Control Board:
  • Authorized to develop, regulate and control the new marijuana market.
  • Responsible for implementing and enforcing licenses and rules for producers, processors, and retailers.
  • Collects excise taxes, licensing and business fees, and authorizes disbursements.
Implementing I-502 – DSHS

I-502 Sec. 28:
(a) Fifteen percent to the department of social and health services division of behavioral health and recovery for implementation and maintenance of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance-use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation; PROVIDED, That:
(i) Of the funds disbursed under (a) of this subsection, at least eighty-five percent must be directed to evidence-based and cost-beneficial programs and practices that produce objectively measurable results; and
(ii) Up to fifteen percent of the funds disbursed under (a) of this subsection may be directed to research-based and emerging best practices or promising practices.

Implementing I-502 – DOH

• I-502 Sec. 28
• (b) Ten percent to the department of health for the creation, implementation, operation, and management of a marijuana education and public health program that contains the following:
  (i) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;
  (ii) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and
  (iii) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use;
Emergency Rules on Edibles

LCB Emergency Rule Changes

• Approval for all marijuana-infused products, labeling and packaging prior to offering items for sale
• Products in solid form must be scored to indicate servings
• Products must be homogenized to ensure uniform disbursement of cannabinoids
• Marijuana-infused products must state on label, “This product contains marijuana.”

Emergency Rules on Edibles

Child resistant packaging (packaging must not appeal to kids)

• 4 mil plastic minimum
• Sealed packaging
• No easy-open devices
• Poison Prevention Act compliant
• Cannot be especially appealing to children
  • E.g. no gummy candies, lollipops, cotton candy, brightly colored products

Emergency Rule on Edibles

Defined serving and dosage limits

• Serving = 10 mgs THC
• Maximum of 10 servings per unit
• Maximum 100 mgs THC per unit
• Servings must be physically indicated
• All products must be tested
Store Siting

Per RCW 69.50.331(8) the board shall not issue a new marijuana license if the proposed licensed business is within one thousand feet of the following entities:

- The distance will be measured as the shortest straight line between the property line of the potential location to the property line of the grounds of the entities listed below:
  - Elementary or secondary school
  - Playground
  - Recreation center or facility
  - Child care center
  - Public park
  - Public transit center
  - Library
  - Any game arcade (where admission is not restricted to persons age twenty-one or older)

Store Siting

Definitions:

- **ZONED:** City council passed legislation zoning areas where marijuana businesses could apply or updated the municipal code recognizing recreational marijuana
- **MORATORIUM:** City council passed legislation putting a hold on accepting marijuana licenses. These ranged from 6-12 months
- **BANNED:** City passes legislation banning marijuana businesses until the drug is approved federally or officials have threatened to ban
- **NO ACTION:** Cities took no legislative action, will treat marijuana businesses like any other business or simply expands medical marijuana laws to recreational

Store Siting

Key findings:

- 39% of surveyed cities have implemented moratoriums on accepting any marijuana related business licenses.
- At least 1.1 million Washington residents will be impacted by local moratoriums or bans.
- 5 cities have banned marijuana business all together.

<table>
<thead>
<tr>
<th># of Cities</th>
<th>Population Impacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONED</td>
<td>33 2,293,070</td>
</tr>
<tr>
<td>MORATORIUM</td>
<td>29 1,094,924</td>
</tr>
<tr>
<td>BANNED</td>
<td>5 223,416</td>
</tr>
<tr>
<td>NO ACTION</td>
<td>8 265,749</td>
</tr>
<tr>
<td>Total</td>
<td>75 3,855,879</td>
</tr>
</tbody>
</table>
DUI
Laws prohibiting driving under the influence include maximum thresholds for active THC blood concentration at 5ng/ml of whole blood.

<table>
<thead>
<tr>
<th>Year</th>
<th># of cases above 5ng/ml THC</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>100</td>
</tr>
<tr>
<td>2011</td>
<td>150</td>
</tr>
<tr>
<td>2012</td>
<td>200</td>
</tr>
<tr>
<td>2013</td>
<td>250</td>
</tr>
<tr>
<td>2014</td>
<td>300</td>
</tr>
</tbody>
</table>

Testing of whole blood for active THC requires a warrant in Washington State.

2015 Legislative Changes

- Senate Bill 5052
- Budget
- Revenue to date
- House Bill 2000

Senate Bill 5052

**Medical Marijuana: SB 5052** (Governor signed, effective 7/24/2015)
- This law is aimed at reconciling the generally unregulated medical marijuana industry and folding it into the existing, tightly-controlled recreational market.
- It significantly reduces the possession limits from 24 ounces down to 3 ounces.
- Limiting the number of plants patients can grow from 15 down to 6.
- A clause was included that would allow a doctor to recommend a larger amount of cannabis.
- Medical marijuana dispensaries will no longer exist in their current state.
- They will close or incorporate themselves into another existing licensed retail cannabis shop.
Senate Bill 5052

Medical Marijuana: SB 5052 cont.

- Beginning July 1, 2016 all qualifying patients must be entered into the marijuana authorization database and be provided with an authorization card
- Responsibility for entering the patient into the database is now the responsibility of the retail outlet with the medical authorization aware from the health care practitioner.
- With a medical recommendation, patients will be exempt from sales tax but not from excise tax
- Grow co-ops, allowing up to four patients at a time to form a co-operative.

DSHS Budget

| Program | Governor's Proposed Budget | Senate Proposed Budget
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Health &amp; Human Services</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Public Health</td>
<td>$400,000</td>
<td>$400,000</td>
</tr>
<tr>
<td>Education (PTE, BTE and level)</td>
<td>$3,703,824</td>
<td>$798,123</td>
</tr>
</tbody>
</table>

Tribal agreements

HB 2000 (signed by Governor) Effective date 7/24/2015

- Authorizes the Governor to enter into agreements with federally recognized Indian tribes regarding any marijuana-related issue that involves both state and tribal interests or otherwise has an impact on tribal-state relations.
- Requires that any tribal-state marijuana agreement include a requirement that the tribe impose a tribal marijuana tax in an amount that is at least 100 percent of all applicable state and local taxes on sales of marijuana
- exception; tribal marijuana sales to tribal members and tribal entities are exempt from this taxation requirement
- Authorizes licensed marijuana retailers to purchase and receive marijuana and processed marijuana products from a federally recognized Indian tribe's grow operations
- Authorizes state licensed marijuana producers and processors to sell and distribute marijuana and processed marijuana products to a federally recognized Indian tribe's grow operations
Washington Marijuana Laws compared to other legalized states

<table>
<thead>
<tr>
<th></th>
<th>Washington</th>
<th>Alaska</th>
<th>Colorado</th>
<th>Oregon</th>
<th>Other States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Grows</td>
<td>6 plants, 3 flowering</td>
<td>6 plants, 3 flowering</td>
<td>6 plants, 3 flowering</td>
<td>6 plants, 3 flowering</td>
<td>6 plants, 3 flowering</td>
</tr>
<tr>
<td>Medical Use</td>
<td>No limit specified</td>
<td>Legal</td>
<td>Legal</td>
<td>Legal</td>
<td>Legal</td>
</tr>
<tr>
<td>Taxes</td>
<td>$50 per ounce</td>
<td>$25 per ounce</td>
<td>15% special sales tax</td>
<td>25% special sales tax</td>
<td>25% special sales tax</td>
</tr>
<tr>
<td>Revenue Use</td>
<td>None specified</td>
<td>seeded to sale tracking</td>
<td>No provision</td>
<td>No provision</td>
<td>No provision</td>
</tr>
<tr>
<td>Preempts</td>
<td>May prohibit</td>
<td>May opt out</td>
<td>Seed to sale tracking</td>
<td>Seed to sale tracking</td>
<td>Seed to sale tracking</td>
</tr>
</tbody>
</table>

Revenue Use Expended

- **Alaska**: marijuana tax goes to schools, parks, and public safety.
- **Colorado**: marijuana tax goes to schools, health care, and law enforcement.
- **Oregon**: marijuana tax goes to schools, health care, and law enforcement.
- **Washington**: marijuana tax goes to schools, health care, and law enforcement.

Questions?

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360-725-3740

Full text of I-502 available at:
Washington State Recreational Marijuana Law & the State’s Prevention Response, Part 2

Michael Langer
Washington State Division of Behavioral Health and Recovery
June 12
11:00-12:00

Presentation Overview

- Prevention and youth treatment efforts
  - Identification of evidence-based programs (EBPs) impacting marijuana use
  - Community forum
- Develop Washington State Department of Social and Health Services I-502 implementation plan
  - Prevention
  - Treatment
  - Healthy Youth Survey and Young Adult Survey
  - Research
  - Community Resources

Identification of evidence-based programs impacting marijuana use

We Asked for Assistance
- DBHR requested Technical Assistance from the Substance Abuse and Mental Health Services Administration’s Center for the Application of Prevention Technologies (SAMHSA’s CAPT) Western Resource Team

Our Need:
- To identify evidence-based programs with marijuana prevention outcomes in youth (ages 12-17) and young adults (ages 18-20)
- A lot of information in a short turn around time
The Process Leading to the “EBP List”

• Consulted with the University of Washington’s Social Development Research Group Associate Director, Kevin Haggerty, MSW, Ph.D.
• Established our criteria for Evidence-based Programs with marijuana outcomes
• SAMHSA’s CAPT Western Resource Team agreed to compile information about programs obtained from secondary sources, not the original journal articles, to provide to DBHR for determining if programs identified met evidence-based criteria

Preliminary Results

• 13 programs in total identified with positive marijuana prevention outcomes for youth (ages 12-17) and young adults (ages 18-21).
  • Caring School Community
  • Guiding Good Choices
  • InShape
  • Keepin’ It Real
  • LifeSkills Training
  • Lions Quest Skills for Adolescence
  • Multidimensional Treatment Foster Care
  • Positive Family Support-Family Check-Up
  • Project Northland
  • Project Towards No Drug Abuse
  • Project Venture
  • Red Cliff Wellness School Curriculum
  • SPORT

Youth Marijuana Prevention Symposium

Held on July 10, 2013, provided an overview of what is known at this time from researchers, professionals, academics, community advocates, and technicians.
• A program review of the preliminary marijuana outcome list of EBPs was conducted by Dr. Kevin Haggerty of the University of Washington Social Development Research Group.
• Attended by former U.S. Congressman and nation marijuana prevention advocate Patrick Kennedy
• Closing keynote from Dr. William Geary from CADCA “Moving Forward: The Role of Coalitions in Local Marijuana Prevention
Final Results
After analysis by Washington State Institute for Public Policy (WSIPP), the initial 13 programs were classified as follows:

- Evidence-based:
  - Life Skills Training
- Research-based:
  - Family Check-Up
  - Guiding Good Choices
  - keepin’ it REAL
  - Lions Quest Skills for Adolescence
  - Multidimensional Treatment Foster Care
  - Project Northland
  - SPORT

- Promising:
  - Caring School Community
  - Project Towards No Drug Abuse

- Produces poor outcomes:
  - InShape

*Note: No evaluations meeting WSIPP criteria were found for Project Venture and Red Cliff Wellness

Community Forum
Plan development process:
- Draft plans were shared and discussed with state-level partners, tribes, and stakeholders during October 2013 through public forums held in Yakima, Spokane, Seattle, and Vancouver.
- DBHR presented in conjunction with the Department of Health and Washington State Institute for Public Policy (WSIPP)
- 350 people attended these forums with an additional 175 attending through a Webinar
- The general consensus indicated a need in the communities for prevention and treatment services to be funded due to the changing public perception of harm around marijuana

Implementing I-502
State Agency Roles:
- Department of Social and Health Services - Division of Behavioral Health and Recovery:
  - Prevention: Enhance and expand the Community Prevention and Wellness Initiative (CPWI) in the highest need communities in each county. CPWI integrates school-based and community-based, coalition-driven programs and will enhance resource to Tribal communities. CPWI coalition contacts: http://theathenaforum.org/cpwi_coalitions
  - Treatment: Train providers to implement evidence-based practices, brief intervention and referral to treatment and recovery support services.
  - Healthy Youth Survey: Administer the survey every two years to students in 6th, 8th, 10th, and 12th grades, to identify health attitudes and behaviors, including drug and alcohol use.
  - Research: Contract with Washington State Institute for Public Policy (WSIPP). Key components include public health impacts, costs associated with marijuana use, impacts of investments in research, evaluation, education, prevention, and intervention programs as well as economic impacts.
Implementing I-502

<table>
<thead>
<tr>
<th>Admission/Fiscal Year</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Substance</td>
<td>N</td>
</tr>
<tr>
<td>Marijuana</td>
<td>4,626</td>
</tr>
<tr>
<td>Alcohol</td>
<td>785</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>488</td>
</tr>
<tr>
<td>Other</td>
<td>353</td>
</tr>
<tr>
<td>Heroin</td>
<td>584</td>
</tr>
<tr>
<td>COCDM</td>
<td>36</td>
</tr>
<tr>
<td>Total</td>
<td>6,432</td>
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<table>
<thead>
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</tr>
<tr>
<td>Alcohol</td>
<td>785</td>
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<tr>
<td>Other Substances</td>
<td>1,033</td>
</tr>
<tr>
<td>Total</td>
<td>6,430</td>
</tr>
</tbody>
</table>

Implementing I-502

Current (past 30-day) Marijuana Use

<table>
<thead>
<tr>
<th>Year</th>
<th>5th Grade</th>
<th>8th Grade</th>
<th>10th Grade</th>
<th>12th Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>27%</td>
<td>18%</td>
<td>17%</td>
<td>27%</td>
</tr>
<tr>
<td>2010</td>
<td>18%</td>
<td>18%</td>
<td>18%</td>
<td>18%</td>
</tr>
<tr>
<td>2012</td>
<td>9%</td>
<td>18%</td>
<td>18%</td>
<td>18%</td>
</tr>
<tr>
<td>2014</td>
<td>7%</td>
<td>7%</td>
<td>7%</td>
<td>7%</td>
</tr>
</tbody>
</table>
Implementing I-502

**Attitudes about Marijuana Use**
% who thought there was little or no risk of using marijuana regularly

- 2008: 29%
- 2010: 25%
- 2012: 37%
- 2014: 48%

- 2008: 23%
- 2010: 27%
- 2012: 29%
- 2014: 34%

- 2008: 19%
- 2010: 20%
- 2012: 20%
- 2014: 20%

- 2008: 12%
- 2010: 16%
- 2012: 16%
- 2014: 16%

**Young Adult Survey**

**Past Year Frequency of Marijuana Use: Recreational Use and Medical Use**

- At least 5 x a month: 20%
- At least 1 x a week: 17%
- At least 1 x a month: 5%
- At least 1 x a week: 6%
- None: 5%

**Q: How often do you think the typical person your age used marijuana for recreational purposes?**

- None: 56%
- Yearly: 20%
- Monthly: 17%
- Weekly: 28%
- Daily: 44%
- Monthly: 10%
- Weekly: 6%
- Daily: 9%
Implementing I-502

State Agency Roles - Department of Social and Health Services
Division of Behavioral Health and Recovery:

- **Research:** Cost-benefit evaluation
  - Contract with Washington State Institute for Public Policy (WSIPP)
  - Key components include:
    - Public health impacts
    - Costs associated with marijuana use
    - Impacts of investments in research
    - Evaluation
    - Education
    - Prevention
    - Intervention programs
    - Economic impacts
- **Reports Due:** Sept 1, 2015; 2017, 2022, 2032

Implementing I-502

State Agency Roles - Department of Health:

- Develop or secure a marijuana use public health hotline, providing referrals to substance abuse treatment. Will refer people to the statewide Washington Recovery Help Line, already funded by DSHS.
- Develop a community grants program that supports coordinated prevention/intervention strategies geared to reduce youth marijuana use and/or abuse.
- Develop media-based education campaigns to reach youth and adults with scientifically-accurate information about the health and safety risks posed by marijuana use.
- With 2014 state budget proviso funding, contract with Educational Service Districts to assist schools in implementing policies that address tobacco and marijuana use.

Community Resources

Underage Marijuana Use Prevention Toolkit:

- A letter to prevention partners
- A prevention guide for parents: *Now that Marijuana is Legal for Adults in Washington, developed by Seattle Children’s Hospital* and revised and printed for statewide distribution by DBHR.
- A rack card, *Marijuana: Know the Facts / What Parents Need to Know, with facts about the impacts of marijuana and I-502, developed by the Washington State Liquor Control Board.*
- A DVD, *Marijuana and Teens After I-502, developed by Mercer Island Youth and Families.* This can also be viewed on YouTube.
- Advertising messages for use as posters, online ads, social media, signs and other formats, and tips for using the messages.
- Advertising messages for billboards.
- Talking points for communicating key messages to parents and teens through social media and other online content, and interviews with news media.
- A fact sheet about *state agency roles in implementing I-502,* and contacts.
Resources

• The Athena website is created for prevention professionals to develop, update, and sustain their substance abuse prevention work.
  • http://www.theathenaforum.org/

• Community Prevention and Wellness Initiative (CPWI)
  • http://www.theathenaforum.org/community_prevention_and_wellness_initiative_cpwi

Thank you

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Full text of I-502 available at: