A conversation with the O'Neill Institute for National and Global Health Law at Georgetown University and the Washington Office on Latin America, March 8, 2017

Participants

- Eric Lindblom – Senior Scholar, O'Neill Institute for National and Global Health Law at Georgetown University (O'Neill Institute)
- Kristina DeMain – Development Director, Washington Office on Latin America (WOLA)
- John Walsh – Senior Associate for Drug Policy and the Andes, WOLA
- Alexander Berger – Program Officer, US Policy, Open Philanthropy Project

Note: These notes were compiled by the Open Philanthropy Project and give an overview of the major points made by the O'Neill-WOLA project staff.

Summary

The Open Philanthropy Project spoke with representatives from the O'Neill-WOLA project staff to follow up on the Open Philanthropy Project's support of the two organizations' collaborative project on public health and cannabis regulation. Conversation topics included the current political climate around cannabis legalization, the status of the team's planned report, the team's plans for its release, and funders in this space.

Current political climate

The O'Neill-WOLA team thinks the political context around cannabis legalization remains such that their work is likely to be relevant and impactful. For instance:

- Four new US states voted to legalize recreational cannabis use in 2016.
- The majority of states have legalized medical cannabis.
- Implementation of Uruguay's legalization law is moving ahead (albeit slowly).
- Canada's parliament plans to debate legalization legislation this year.

The discussion around legalization efforts in the US is ongoing, and public health impact and protections are likely to be key components of that discussion. The O'Neill-WOLA team has learned from observing the effects of legalization in Washington and Colorado, and expects to learn more from legalization in additional states.

Canada and Uruguay are likely to move forward regardless of what happens in the US.

Potential action by the US federal government

President Trump appears to have made conflicting statements on cannabis policy during his campaign: for instance, he seemed to indicate that the issue should be left

to states, but his anti-drug and anti-crime rhetoric has also sometimes seemed to include cannabis. Conservative support for states' rights is an important element of the national discussion: many polls indicate that most conservatives (even those who oppose cannabis legalization) do not want the federal government to intervene against states that have already voted to legalize.

Attorney General Jeff Sessions is an outspoken opponent of legalization. However, even if the administration chooses to oppose legalization, it is unclear to what extent it would attempt to control state policies. Mr. Walsh thinks that, at most, the federal government might intend to obstruct regulatory systems in states that have legalized recreational cannabis. It is unlikely the administration would try to block state efforts to allow medical cannabis.

There are discussions in California and other states with new legalization laws about how to defend state laws against potential intervention by the federal government. In some of these states, legalization has taken the form of state constitutional amendments.

If there is conflict between federal and state governments on this issue, it is unlikely to be resolved quickly. The resulting slow-down may actually be beneficial for ensuring that legalization is implemented in the best way (rather than simply quickly).

Project updates

Pause due to staffing changes

Recent staffing changes delayed O'Neill-WOLA's timeline for its white paper somewhat. Mr. Lindblom's transition from the federal Food and Drug Administration (FDA) to his position at the O'Neill Institute took longer than anticipated, and he could not work on the project during the transition. Around the same time, Fernanda Alonso, the other project lead, took a new role at Pan American Health Organization. During the roughly three months of Mr. Lindblom's transition, the team paused communications with the allied groups that it had connected with around March of 2016. The team has now restarted communications with those groups, and Mr. Lindblom has now fully transitioned to the O'Neill Institute.

Finalizing the report and gathering endorsements

The process of putting together a white paper has turned out to be a larger undertaking than the project team initially expected. The team has been circulating draft sections of its white paper to receive and incorporate feedback from other groups in order to build consensus around a final version that the various groups can endorse. A significant amount of work remains to be done in order to advance the report in line with the plan that the team set out a year ago.

The team thinks the diversity of the endorsing groups will ultimately strengthen the white paper, though it has made it more challenging to reach a consensus that all of the groups are willing to endorse. O'Neill-WOLA's plan is to publish a single, unified

report with endorsements from whichever groups endorse the full report at that time (rather than a piecemeal release with different groups potentially endorsing different portions). Once the initial report is out, the team might release shorter publications focused on, e.g., particular US states, foreign countries, etc.

There has not been a report like this on cannabis regulation before, and O'Neill-WOLA hopes it will lead to new and useful types of conversations and output from other groups (e.g. other journal publications that build off of this report).

Plans for release

The team is aiming to finalize its report this summer and to release it by the fall. However, given the complexity of the negotiations involved, the team is not too fixed on a specific launch date.

The initial launch of the report will likely include an event at the Georgetown University Law Center. The project team might also present the report at one of the international organizations in Washington, D.C. at launch or soon after, perhaps inviting the press, members of Congress, etc. to a panel to share its main findings.

WOLA's communications staff will be heavily involved in promoting the launch. The team also plans to try to get endorsements from leaders of other public health organizations and to get those organizations to help with press support.

Funders

WOLA was able to include, as support for this project, $15,000 in 2016 and $25,000 in 2017 from broader grants from the Open Society Foundations and the Libra Foundation, both of which are regular drug policy funders.

Engaging new funders in this issue has been somewhat difficult. The mainstream public health funders whom the project team has talked to prefer to wait and see how the project and surrounding discussion evolve before getting involved. Many funders seem, at least for now, to want to avoid being connected to the issue (e.g. most chose not to attend an introductory meeting held by O'Neill-WOLA). The team hopes that the white paper and the consensus formed around this project will serve as an opportunity and invitation for new funders to become more engaged.