

A conversation with the O'Neill Institute for National and Global Health Law at Georgetown University and the Washington Office on Latin America, April 28, 2016

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
- Graham Boyd – Founder and Director, New Approach PAC
- Alexander Berger – Program Officer, US Policy, The 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 an update on the workshop held by the project, including the preparatory phase, key conclusions reached by workshop participants, and the project's next steps.

Preparatory phase

Gathering participants

The project purposefully does not take a stance for or against cannabis legalization, and was launched with the premise that since cannabis legalization is moving ahead, the public health community should play a role in the development of regulations to ensure that public health priorities are properly addressed. In recruiting participants for its workshop, the organizers sought to assemble a group that accepted this basic premise but still provided a diversity of perspectives. Project staff reached out to public health community leaders and cannabis legalization advocates, explained the goals of the project, and were able to gather a high caliber group of participants. The public health community was generally receptive to the project and interested in participating in the workshop.

The Canadian government recently announced plans to move ahead with cannabis legalization, so project staff included Canadian public health and drug policy experts in their outreach efforts. Canadian authorities have indicated that public health concerns will be prominent in their reform proposal, which could involve a government monopoly on cannabis sales. Provincial and federal officials from

Canada have expressed interest in the project, and in understanding how they can work together to achieve shared goals.

Briefing the participants

Adequately preparing the participants on topics for discussion contributed significantly to the interactive nature of the workshop. The two main steps the team took to ensure participants arrived engaged were:

1. Preparing an extensive preliminary informational document to help participants become more familiar with key issues before arriving.
2. Issuing a preliminary survey to give the team a better idea of the participants' stances on issues and their primary concerns. This also helped to get participants thinking about where they stood on particular issues.

Potential funders

The project staff attempted to interest other potential funders in the project in advance of the workshop, but were unable to elicit positive responses. In particular, the team reached out to major public health funders to try and garner interest in participating in or observing the workshop, but they all declined. The team is hopeful that the forthcoming published report will establish the credibility of the project and help other foundations become more comfortable with being involved in this arena.

Key conclusions from the workshop

Potential risks of cannabis legalization

Increased dependent use

There was a general consensus that the main risk of cannabis legalization is the potential for an increase in dependent or harmful use of cannabis. Participants questioned whether it is possible to increase general use without increasing dependent use. For example, the evidence strongly suggests that when the overall prevalence of alcohol use increases, alcohol abuse and dependence increase as well. Many public health officials are wary that if it does turn out to be the case that legalization tends to increase the prevalence of cannabis use, harmful and dependent use will rise as well.

Harm reduction

An area of ongoing debate is the potential role of cannabis in harm reduction. Some participants expressed a belief that an increase in the use of cannabis could decrease the use of harder illicit drugs and alcohol, which would be a public health benefit. Others were skeptical, warning that instead of having a positive impact, legalization could lead to expanded overall use of drugs and alcohol. From a public health perspective, the relationship between cannabis use and the use of more dangerous drugs is a critical issue that will require careful empirical research going forward.

Avoiding criminalization and punishment of youth

The jurisdictions already moving ahead with legalization for non-medical purposes and those likely to follow are doing so in a way that provides legal access to cannabis for adults, but not for youth. Jurisdictions may set the legal age for adult access differently (e.g., 18 years vs. 21 years), but participants agreed that the new regulatory frameworks must not result in the criminalization or punishment of youth.

Regulation

The team provided participants with a list of cannabis policy regulatory options, and there was overwhelming support for most of them, which demonstrated the potential for consensus across many key issues. Options linked to harm reduction, as noted above, found the least consensus. Project staff want to propose a regulatory structure that will allow public health officials to observe the effect of cannabis legalization on consumption of other drugs while mitigating risks. There was general agreement that an effective regulatory structure should:

- Set an appropriate framework for responsible cannabis regulation while not replicating past failures in alcohol and tobacco regulation. Rather, cannabis regulations could be used to inform more effective regulations for tobacco and alcohol.
- Put in place appropriate regulations to prevent adolescent use, but avoid criminalizing use among the young.

Sales regulation

There was consensus that a government monopoly on sales would be the safest way to sell legalized cannabis. Commercial sellers may seek to maximize profits by maximizing use, which could pose a conflict of interest with public health goals. If the government were the only seller, there would be less risk of harmful marketing tactics or for-profit influence on regulatory structure. (On the other hand, there could be the risk of the government becoming overly reliant on cannabis revenues.)

However, many jurisdictions would likely be unwilling or unable to produce and sell cannabis through government monopoly. Participants agreed that if commercial enterprises were to be involved, some of the key issues to address include:

- Product regulations
 - Which products should be permitted for sale?
 - How should potency and purity of the products be controlled?
- Packaging regulations
 - How would the products be packaged?
 - What kind of warnings and other information would be on the products?
- Regulations on sales outlets
 - Where should cannabis products be sold?
 - How many sales outlets would there be?

- Who can own the sales outlets?
- Should other products be permitted in the same store or should stores that sell cannabis be restricted to cannabis-only products?
- Advertising regulations
 - How should advertising be restricted?

There are several types of precautions that can be taken to ensure sales regulations are robust, including:

- Prohibit companies with interests in the tobacco industry from investing in the cannabis industry
- Place size or jurisdictional constraints on sales outlets
- Limit the number of cultivators and processors
- Implement licensing requirements

Next steps

Participants in the workshop recognized that the public health issues discussed at the workshop are complicated, but important to work through. They are generally interested in remaining involved in the discussions and assisting with drafting the final report. The next steps leading to the completed final report will be:

1. The O’Neill-WOLA team will put together consensus proposals on several key issues based on the workshop discussions.
2. Participants will comment on the proposals.
3. The team will edit the proposals based on feedback and incorporate the revised proposals into a single draft of the final report.
4. The team will release the draft of the final report to participants for additional comments.
5. The team will incorporate feedback and finalize the report.

The final report will include specific, concrete policy recommendations. Mr. Lindblom expects it to be completed in August, though the team has not yet decided on a release date.

Release strategy

The team believes that once the report is published, it will be a significant contribution to the discussion around cannabis legalization and public health. The level of impact that the report has will depend in part on the effectiveness of its release, so the team is carefully considering how to release the final report. Potential release strategies include:

- Release the report and hold a press event.
- Release the report and hold a panel discussion or meeting in conjunction with the release to allow for discussion of its recommendations.
- Conduct separate release events that focus on policy recommendations for different types of jurisdictions (i.e., hold an event that focuses on policy

recommendations for US states, and another event focused on recommendations for national governments).

Some considerations relating to the release of the report include:

- The release of the report is the main opportunity to garner press coverage. Afterwards, it will be more difficult unless there is a new story for the press to report on.
- Since the project takes no stance on whether or not jurisdictions should legalize, the timing of the release should be chosen carefully so as not to be construed as either endorsing or opposing the ballot questions that are likely to come to a vote in a number of US states in November 2016.
- Public health journals may be interested in publishing articles about the release of the report and the overall project, which presents a good opportunity to enhance credibility and underscore the relevance of the topic with the public health community.
- A more robust outreach could provide another opportunity to attract funders and make them more interested in and comfortable with participating in the project.

Additional topics regarding cannabis legalization

Other major events

The April 2016 Cannabis Science and Policy Summit, organized by the NYU Marron Institute of Urban Management, addressed a range of issues surrounding cannabis legalization. There was some discussion of the public health component of legalization, which provided opportunities for collaboration. Additionally, the summit provided Mr. Boyd and Mr. Walsh the opportunity to follow up with participants who had also attended the O'Neill-WOLA workshop.

Legalization initiatives

As legalization moves forward in different states, there will likely be a struggle between public-good oriented interests and private profit-oriented interests when drafting legalization initiatives. In 2016 segments of the marijuana industry attempted to influence the drafting of legalization initiatives to their advantage. As the industry and its financial incentives grow, Mr. Boyd believes this will become more common.

Thus far, the public health community's participation in drafting cannabis legalization policy has been fairly informal. Public health advocates were involved in drafting the initiative to legalize recreational cannabis in California, which led to the inclusion of more conservative language in the policy proposal. Mr. Boyd believes that as the public health community organizes itself around this issue and formalizes its recommendations, there will be an even greater opportunity to get involved and ensure public health interests are represented in the drafting process.

*All Open Philanthropy Project conversations are available at
<http://www.openphilanthropy.org/research/conversations>*