

# Marijuana Regulation Briefing

## *Finance and Culture Committee*

### December 10, 2014

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**DAVID B. MENDOZA, OFFICE OF POLICY AND INNOVATION**



# Medical Marijuana Symposium

The City of Seattle's Office for Civil Rights invites you to a symposium on regulating medical marijuana and the impact of marijuana enforcement on youth and people of color.



November 20<sup>th</sup>, 5 p.m.-7:45pm  
Bertha Knight Landes Room, City Hall

## PANEL DISCUSSIONS

Each panel discussion will be 40 minutes in length and will be moderated by David B. Mendoza from Mayor Murray's Office of Policy and Innovation. Patricia Lally, Director of the Office for Civil Rights, will provide introductory remarks.

- 1 Testing of Marijuana for Purity & Strength**
- 2 Access of Marijuana-Infused Products by Youth, Packaging and Labeling of Products, and Best Practices for Processors**
- 3 Minimum Distance of Marijuana Businesses from Schools and Other Locations**
- 4 The Disparate Impact of the Enforcement of Marijuana Laws on Youth and People of Color**



## Testing of Marijuana for Purity & Strength

*Dr. Michelle Sexton, Center for the Study of Cannabis and Social Research*

*Bobby Hines, Confidence Analytics*

*Randy Oliver, Analytical 360*

*Jeremy Kaufman, The Coalition for Cannabis Standards and Ethics*

## Access of Marijuana-Infused Products by Youth, Packaging and Labeling of Products, and Best Practices for Processors

*Dr. Leslie Walker, Children's Hospital*

*Kristin Nevedal, Americans for Safe Access*

*Boris Gorodnitsky, New Leaf Enterprises*

*Ben Reagan, The Center for Palliative Care*

## Minimum Distance of Marijuana Businesses from Schools and Other Locations

*John Schochet, Seattle City Attorney's Office*

*Jennifer Pettyjohn, Seattle Department of Planning and Development*

*Oscar Velasco-Schmitz, Dockside Co-Op*

## The Disparate Impact of the Enforcement of Marijuana Laws on Youth and People of Color

*Mark Cooke, ACLU of WA*

*Karen Pillar, Team Child*

*Anita Khandelwal, Racial Disparity Project*

# Existing Enforcement: Opportunities & Challenges

- **Department of Planning and Development and Financial & Administrative Services are conducting standard levels of enforcement**
  - DPD responding to each complaint it receives; 12-13 per year.
  - Absent a court order DPD has no right to inspect property if denied entry by owner.
  - FAS limited, statutorily defined ability to reject or revoke standard business license.
    - Working on targeted audits/collection actions for back taxes.
- **Shifting priorities for law enforcement**
  - King County Prosecutor's Office not prosecuting "buy-bust" low-level street dealers.
  - SPD requires clear direction on how to prioritize investigations of marijuana related activities.
- **Current Enforcement Tools Insufficient**
  - Relatively simple to be in compliance.
  - Compliance with licensing and permitting does not enhance public safety or patient health.
  - Administrative enforcement is compliance focused even in egregious cases.
  - Legal remedies take protracted periods of time and are work intensive.



# Defining New Enforcement Strategies

- Enforcement Against Marijuana Delivery Services
  - These delivery services are illegal under current law.
  - Delivery services continue to grow with approximately 7-10 advertising in *The Stranger* each week.
- Identify Collective Gardens operating with or without a business license
- Establish Operational Policy and Procedures To Utilize Drug Seizure and Civil Forfeiture Laws (RCW 69.50.505)
  - Stakeholders have requested use of existing drug seizure and forfeiture laws.
  - Would allow confiscation of marijuana product with ability to file related criminal charges but no requirement to do so.



# Goals of Proposed Regulation

- 1) Reduce impact on neighborhoods overburdened with stores.
- 2) Ensure patients have access to safe, consistent product.
- 3) Clarify enforcement priority for law enforcement.
- 4) Develop new enforcement and compliance regime that is not dependent on prosecution and incarceration.



# Limitations of the Current State of the Law

- ***POST-Cannabis Action Coalition vs. City of Kent***
  - “Regulation” likely limited to prohibitive vs. affirmative regulation.
    - Examples of Prohibitive Regulation (Source: DOJ Cole Memo)
      - Preventing the distribution of marijuana to minors;
      - Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; and
      - Preventing diversion of marijuana to other states where it is not legal.



# What Proposed Regulation Will NOT Do:

- **Will not “legalize” collective gardens.**
  - Affirmative defense to criminal prosecution will continue to be available.
  - No protection for operators or qualifying patients from state or federal criminal prosecution, even if adhering to municipal code.
  - Any violation of proposed business license could trigger state criminal penalties in addition to municipal civil penalties.



# Proposed Regulations to Meet Goals

## 1) Packaging of Edible Products

- Opaque packaging, re-sealable, no cartoon characters, no imitations of known brands.
- Consider banning certain types of products.

## 2) Testing & Labeling

- LCB Standards (Strength, Fungus, Mold)
- Higher Standards? (Strains, THC/THCA, Pesticides & Testing Protocol)

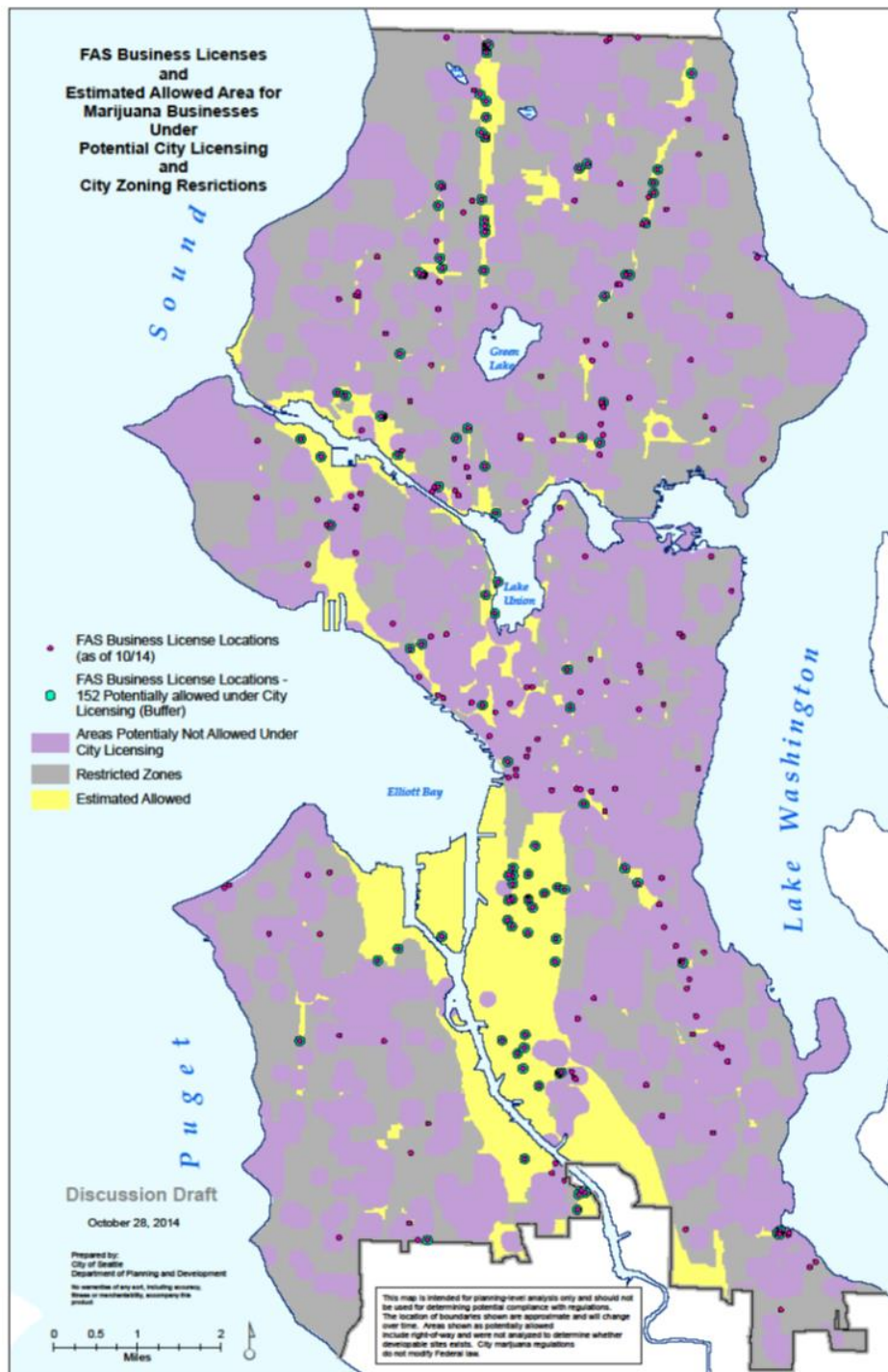
## 3) Distance from locations children frequent

## 4) Minimum distance from other collective gardens

## 5) Enforcement Strategies







*In addition:*

- *Minimum 1000 foot distance between Collective Gardens*



# Thank you!

