

## Developing Regulations for Retail Marijuana that Prioritize Public Health

Senator Katz, Representative Pierce and members of The Joint Committee on Marijuana legalization implementation my Name is Patty Hamilton, I am the Public Health director for the City of Bangor and am here to speak to concerns about the legalization initiative.

As the public health representative for the City of Bangor I would like to outline our multiple concerns as we begin to consider how to proceed with this initiative AND protect our citizens.

As we've seen with alcohol and tobacco, the interests of profit-driven corporations are often in conflict with the interests of public health. The volume of drug consumption doesn't depend very strongly on the total number of users; what's crucial is the amount of heavy users. One eight-joint-a-day smoker is more important to the marijuana industry than fifty people who smoke one joint a week. Marijuana related businesses have a strong incentive to create and sustain frequent and intensive use, because the heaviest users use so much of the product. Maine should expect the industry's product design, pricing, and marketing to be devoted to creating as much heavy use as possible. Therefore it's critical to develop a public health regulatory approach to counter such tactics. Public health regulations are needed to minimize:

- Access, availability, and use by youth
- Drugged driving
- Dependence and addiction
- Consumption of unwanted contaminants and unknown potency
- Higher risk use (such as concurrent use of alcohol and marijuana)

The time to put regulations in place that protect public health and minimize negative consequences is now. Options exist at this point will no longer be possible after marijuana sales have been well-established. If we wait to put restrictions in place, or leave the industry to regulate itself, making money will dominate decisions – not preserving and protecting health and safety.

Marijuana is both intoxicating (like alcohol) and often smoked (like tobacco). An approach that combines lessons learned from alcohol and tobacco will likely be important.

It should also be noted that research is still critically needed to measure and prevent impaired driving. We currently lack a roadside test to detect impairment (like a breathalyzer for alcohol), and detection of THC in blood or urine tests may not indicate impairment. THC can be detected well outside the window of impairment, and the level of THC that indicates impairment is unknown.

In order to ensure the development of a strong regulatory public health framework, it's recommended that first an Advisory Committee be established. Memberships should consist of public health experts, and there should be no decision-making authority for the marijuana industry or vested interests.

A list of possible public health regulatory can be found on the reverse side of this document. For more information please contact:

Patricia Hamilton APRN

Director, City Of Bangor Public Health & Community Services  
patty.hamilton@bangormaine.gov  
103 Texas Avenue Bangor, ME 04401  
207-992-4550 (c)207-944-1197



Possible Public Health Regulatory Choices

Possible Regulatory Choice	Element	Element	Element	Element
<b>Advisory Committee</b>	Membership solely of public health experts	No decision making authority for marijuana industry or vested interests		
<b>Increase Prices/Tax Revenue</b>	Covers full cost	Dedicated revenue for marijuana prevention, control, data collection and research	Dedicated revenue for municipalities	Keep prices high enough to deter youth use and heavy use
<b>Licensing Rules</b>	Impose serious penalties on retailers for underage sales	Prohibit sale of tobacco or alcohol in marijuana retail stores and social clubs	Prohibit tobacco and alcohol retailers from holding marijuana license	
<b>Restrict Marketing and Advertising</b>	Prohibit: Free or discounted samples, making therapeutic claims, using cartoon characters, sport and cultural event sponsorships, product placement in popular media and cobranded merchandise, outdoor advertising, advertising on television or radio Restrict: Advertising in print and digital communications with a 15% threshold Require: "Age-gating" of websites			
<b>Product Standards</b>	Child-proof packaging	Limit the potency of marijuana and marijuana products by setting a THC limit	Create an agreed-upon method to test potency	Prohibit:
<b>Warning Labels</b>	Require warning labels modeled on state-of-the-art tobacco warning labels	Clearly label all products containing THC		
<b>Off-Premise (retail store) Sales</b>	Require: Age-verification at point of sale  Responsible-seller training	Prohibit establishments within 1,000 feet of underage-sensitive areas	Prohibit electronic commerce (internet, mail order, text messaging, social media)	Limit hours of operation and sales
<b>On-Premise (social club) Sales</b>	Require: Age-verification at point of sale  Responsible-seller training	Prohibit clubs within 1,000 feet of underage-sensitive areas	Prohibit practices that encourage customers to use more (such as games/contests), and awarding marijuana products as prizes	Limit hours of operation and sales
<b>Protect Local Control</b>	Allow municipalities to regulate the number, location, and operation of retail marijuana establishments, from time, manner, place, and number regulations to prohibiting them entirely.			