

City of Columbia Pre-Council Work Session

Monday, February 3, 2020

Public Health Issues Related to Medical Marijuana

- Session Objectives
 - Provide a history of medical marijuana legislation
 - Review key themes from other public health medical marijuana ordinances
 - Propose key concepts for Columbia's public health medical marijuana ordinance
 - Receive feedback from City Council

History of Medical Marijuana Legislation

- Amendment passed by popular vote on November 6, 2018
 - Missouri Department of Health and Senior Services charged with implementing the provisions of Article XIV including:
 - Issuing registrations to qualified patients and their primary caregivers
 - Licensing and certification of:
 - Medical marijuana cultivation facilities
 - Medical marijuana dispensary facilities
 - Medical marijuana-infused products manufacturing facilities
 - Medical marijuana testing facilities.

History of Medical Marijuana Legislation Cont'd

- City Council adopted the following:
 - June 3, 2019 – Amended Chapter 29 of the City Code related to UDC amendment for permitted land use and zoning
 - August 19, 2019 – Amended Chapter 13 of the City Code related to business licensing regulations
- October 7, 2019 – Council received a report on Public Health Protections and Medical Marijuana
 - Council requested staff draft an ordinance on public health protections

History of Medical Marijuana Legislation Cont'd

- October 30, 2019 – Public Health and Human Services staff met with medical marijuana advocates to discuss public health concerns and receive feedback from advocates
 - Advocates made a key point that any restrictions Columbia imposes beyond the state regulations could be overly onerous to the industry

History of Medical Marijuana Legislation Cont'd

- October – December 2019 – Staff reviewed legislation from other states including:
 - Colorado
 - California
 - North Dakota
 - Pennsylvania
 - New Jersey
- PHHS staff coordinated with the Law Department and the City Manager's Office regarding the public health scope of authority related to medical marijuana

Public Health issues related to Medical Marijuana

- Protecting children and adolescents from having access to marijuana unless they have a certification card
- Assure all patients are aware of marijuana's harmful effects:
 - Using marijuana during pregnancy may harm a baby and result in low birth weight
 - After marijuana use, coordination, reaction time and ability to judge distances are impaired.
 - Up to 50% of people who use marijuana daily will become addicted.
 - Daily or near-daily use by adolescents and young adults over a prolonged period of time can harm brain development and function.

Public Health issues related to Medical Marijuana

- Need to supplement state inspections
- Columbia Clean Indoor Air Ordinance
 - Smoking medical marijuana would be prohibited by the ordinance in public places. In addition, while Columbia's Clean Indoor Air Ordinance would have no impact on the consumption of edibles, state regulations prohibit consumption of medical marijuana in public places unless provided by law.

Key Themes from other Medical Marijuana Ordinances

- Positive identification required
- No onsite or public consumption
- No onsite consumption of alcohol
- No misleading product names
- No advertising without a license
- No products or packaging that is attractive to youth
- No products with a characterizing flavor
- No claims of health benefits

Key Themes from other Medical Marijuana Ordinances Cont'd

- Prohibit any noncannabinoid additive that would increase potency, toxicity or addictive potential, or that would create an unsafe combination with other psychoactive substances.
- No marijuana infused beverages
- No edibles that look like commercially available food
- Limit on product variations for edibles
- Packaging in 10 mg THC serving size
- Warning labels on products
- Childproof Packaging

Public Health Medical Marijuana Ordinance Suggested Provisions

- Include packaging and labeling requirements from state regulations to allow City inspectors the ability to assure compliance.
- Include signage and advertising requirements from state regulations to allow City inspectors the ability to assure compliance.

Public Health Medical Marijuana Ordinance Suggested Provisions

- Dispensary facility requirements
 - License posted
 - Ensure employees are trained
 - Make available patient education materials
 - Prohibit orders from a third party
 - Verify customer is authorized to purchase by the state
 - Require positive identification and current patient or caregiver identification card
 - Prohibit disbursement of marijuana for a promotional event and shall not allow consumption on the premises

Public Health Medical Marijuana Ordinance Suggested Provisions

- Prohibit marijuana or marijuana products that contain any noncannabinoid additive that would increase potency, toxicity, or additive potential, or that would create an unsafe combination with other psychoactive substances.
- Prohibit any marijuana product that would otherwise be classified as a potentially hazardous food according to the Food Code.
- Prohibit marijuana products (other than edible products) to which a characterizing flavor has been added.

Public Health Medical Marijuana Ordinance Suggested Provisions

- Suggested verbiage in addition to what is already in state regulation:
 - Removal of unlawful signage and advertising.
 - Required in-store safety information:
 - One warning sign in the entry room and one sign in the area where products are sold.

Public Health Medical Marijuana Ordinance Suggested Provisions

- The in-store safety information would include the following:

WARNING:

- **Do not use if pregnant or breastfeeding.** Using marijuana during pregnancy may harm your baby and result in low birth weight. Substances found in marijuana are also found in the breast milk of mothers who use marijuana.
- **Do not drive or operate machinery after using marijuana.** After marijuana use, coordination, reaction time and ability to judge distances are impaired.
- **Marijuana can be addictive.** Up to 1 in 2 people who use marijuana daily will become addicted.
- **Regular use of marijuana can increase the risk of psychosis and schizophrenia.** Higher THC content can increase the risk of psychosis and schizophrenia.
- **Frequent and prolonged use of marijuana containing THC can contribute to mental health problems over time.** Daily or near-daily use increases the risk of dependence and may bring on or worsen disorders related to anxiety and depression.
- **Adolescents and young adults are at greater risk of harms from marijuana.** Daily or near-daily use over a prolonged period of time can harm brain development and function.”

Public Health Medical Marijuana Ordinance Suggested Provisions

- Dispensary facility requirements
 - Entrants to the restricted area must be 21 or older unless they are a qualifying patient
 - Dispensaries must maintain original labeling and packaging and label verification provided by the manufacturer for all marijuana product, including laboratory proof of product potency and evidence that any edible product is a non-potentially hazardous food product
 - No advertising or display of marijuana products by non-licensed facilities

Public Health Medical Marijuana Ordinance Suggested Provisions

- Revise definition of “food” in the Columbia food code
- Compliance monitoring
 - Right of entry to all areas of the facility for determining compliance with the ordinance
- Suspension or revocation of license and appeal process – per the business license ordinance
- Public Education

Public Health Medical Marijuana Ordinance Suggested Provisions

- Penalties
 - Violations considered an infraction
 - \$200 - \$1,000 fine imposed by Municipal Judge
 - Each day of violation is considered a separate offense and remedies will be cumulative

City Council Feedback

- Is City Council supportive of moving forward with an ordinance?
- What does City Council want in the ordinance?
- What does City Council not want in the ordinance?

