

Reducing Youth Access to Cannabis: *Recommendations and Best Practices*

**Cannabis Public Health Advisory Council Meeting
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**Dawn Berkowitz, MPH, CHES,
Deputy Director, MCA
*dawn.berkowitz@maryland.gov***





Cannabis Public Health Advisory Council Meeting

Today's goals

- Understand MCA's regulatory and public health activities
- Understand cannabis control best practices to reduce youth access and support public health and safety
- Learn what public health protection policies are in place and where there are opportunities



Who is the Maryland Cannabis Administration (MCA)?

MCA is the successor agency to the Maryland Medical Cannabis Commission. It includes 118 staff responsible for testing, compliance, policy, administration, and public health. MCA's public health activities include:

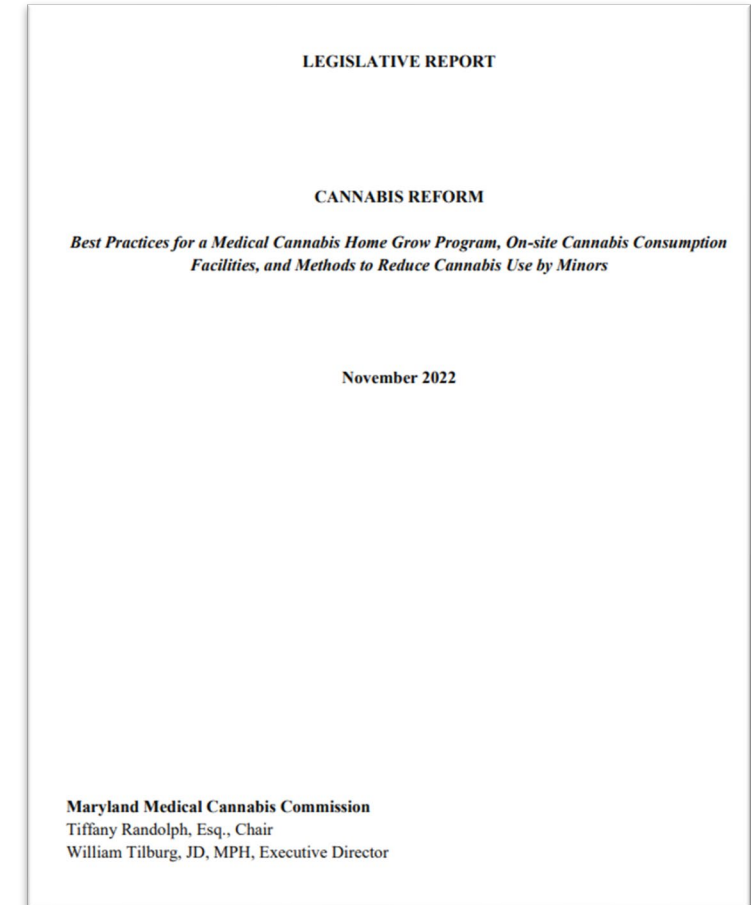
- **Data collection and surveillance** – large population surveys as well as special surveys of priority groups to measure patterns of cannabis use
- **Research** – special studies to improve the knowledge base about cannabis, including health claims
- **Testing** – to ensure only lab-tested and verified cannabis products are sold at licensed dispensaries
- **Product review** – to ensure edible products meet requirements for product form, dose, and packaging
- **Policies** – state and local policies support public health goals, for example, smoke-free policies and possession limits
- **Programs** – includes the Responsible Vendor Training (RVT) program for cannabis licensees
- **Education** – includes large, public education campaigns as well as education tailored for special groups such as new adult-use cannabis consumers (e.g. driving, storage, smoking in public)

MCA's "Best Practices" Legislative Report

This report synthesizes current knowledge and best practices on reducing youth access, product potency, advertising, and onsite consumption. Read the full report at cannabis.maryland.gov – “Data and Reports”

Report recommendations:

- 1. Incorporate existing statutory and regulatory best practices from Maryland's medical cannabis program into the adult-use market*
- 2. Modify/strengthen the existing statute for adult-use*
- 3. Grant authority to cannabis regulators to adopt further regulations to reduce youth access*
- 4. **Direct the Public Health Advisory Council to study and consider other emerging regulatory trends***



What best practices were recommended in the report?

Recommendations include advertising, potency, packaging, labeling, and other methods to reduce the appeal of cannabis to minors.

- Robust **advertising controls** given the known link between exposure to alcohol and tobacco marketing and increased use of these products.
- Plain **packaging and labeling regulations**. Plain cigarette packaging as well as health warning labels have reduced appeal to youth and increased health knowledge. Recent studies have shown effectiveness with cannabis products.
- **Point-of-sale controls** including restricting underage access, ID checks, and restricting sales to cannabis products to licensed dispensaries.
- **Sales limit** (i.e., 1.5 ounces of flower) to reduce diversion/illegal sales.
- A mechanism to study and **address emerging trends** → via the PHAC.

What best practices have been implemented?

The following practices are in place as part of the Cannabis Reform Act (“CRA”) and/or emergency regulations.

- **Advertising restrictions** – prohibit youth appealing ads; billboards except on the licensed premises; giveaways; samples; coupons; and TV, radio, internet, or print ads unless $\geq 85\%$ of the audience is 21+; requires age gating for websites
- **Point-of-sale controls** – require age verification, retailer education, limited sale hours, purchase limits (i.e., personal use amount)
- **Product controls** – require edible products to be made in geometric shapes; prohibit youth-appealing shapes, like those that resemble candy, animals, etc.
- **Packaging, labeling, product limits** – prohibit youth-appealing imagery, e.g. cartoons, candy, on packaging; mandate specific warning and informational labels, potency caps, THC symbol
- **Zoning** – limit retail density, especially near youth-serving locations
- **Price regulations** – 9% sales and use tax, same as alcohol tax
- **Family, school, and community-based education** – supporting protective factors, prevention programs
- **Smoke-free policies**, including school policies (inclusive of tobacco, vape, cannabis)

Potential areas for additional study and engagement.

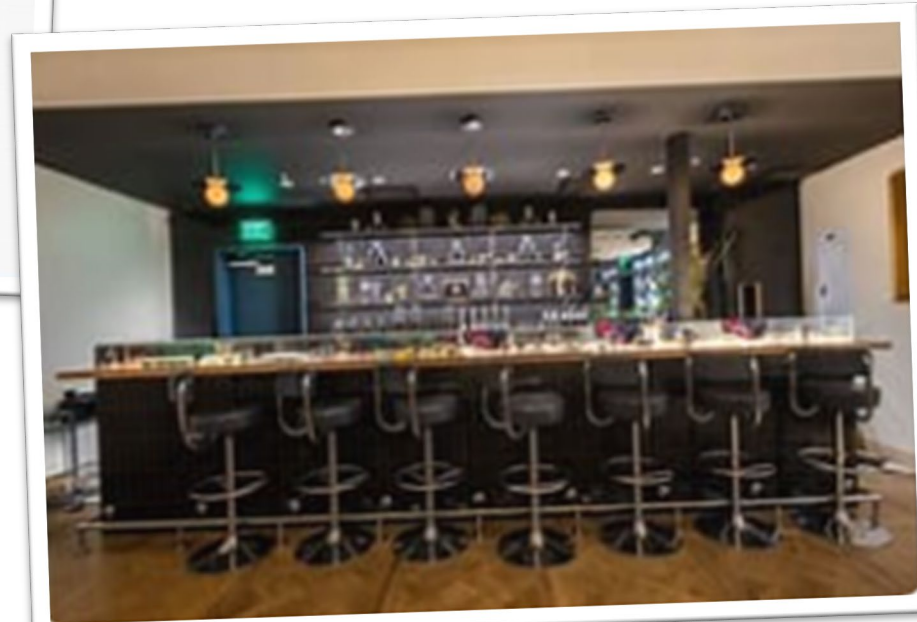
- Packaging and labeling – limits on product potency/THC caps for adult-use
- POS controls – Safe storage lockboxes
- Advertising controls – Branded merchandise
- Onsite consumption – Lounges/“cannabis cafes”



Gummies

Black Cherry Vanilla

Chews | 400mg | 10-Pack



Product potency

THC concentration of cannabis products has increased in the past few decades. Adult-use is expected to increase demand and market pressure for higher THC products since consumers often focus on potency (and price). The medical market currently allows for higher THC products.



- **Current limit:** 10 mg THC per serving (i.e., gummy) or 100 mg per package
 - This ceiling was recommended in the “Best Practices Report” and adopted in emergency regulations, COMAR 10.62.37.12
- **Public health concerns:**
 - The higher the THC amount, the stronger the effects on the brain (of particular concern for youth since the brain is still developing)
 - Increased potential for problem use and dependency
 - Increased potential for harms associated with accidental ingestion by children
- **Other considerations:**
 - Prohibiting these products could fuel the unregulated market (and these products are even less safe since they’re not subject to lab testing, child resistant packaging, etc.)

Storing cannabis securely - lockboxes

The Maryland Poison Center (MPC) called attention to the need for increased use of lockboxes to address an uptick in cannabis-related calls, particularly among children under age 5.



- From 2018-2021, there was an **8x increase in cannabis-related MPC calls for youth under age 5**. This age group also had the highest number of admissions to critical care units. See MCA's report for full details, [Maryland Cannabis Use Baseline Study \(state.md.us\)](https://state.md.us)
- **Emergency regulations do not require** dispensaries to offer lockboxes for sale.
- In Sept 2023, an MCA-led survey of 533 dispensary agents across the state showed **fewer than half of dispensary agents said they have lockboxes on display for sale**.

Branded merchandise

Many licensed dispensaries sell branded merchandise including t-shirts and hats. Emergency regulations on advertising do not prohibit sales of branded merchandise.



Current advertising restrictions:

- No youth appealing ads
- No billboards except on the licensed premises
- No giveaways, samples, coupons
- No TV, radio, internet, or print ads unless $\geq 85\%$ of the audience is 21+
- Requires age gating for websites

Considerations with branded merchandise:

- Is branded merchandise a form of advertising? How do other states handle?
- Do these products get in the hands of underage youth? Are they wearing these?
- Should merchandise be limited to adult-only sizes and/or logo only (i.e., no leaf, smoke/vape imagery)?
- Would a ban infringe upon free speech?

Onsite Consumption Lounges

This is an indoor or outdoor location, open to the public, licensed to allow individuals who are 21+ to consume cannabis on its premises. Under the Cannabis Reform Act, MCA may not award licenses for on-site consumption establishments prior to May 1, 2024.



Rationale for:

- Cannabis can only be consumed in private residences/spaces. But those who rent or live in an HOA may not be able to consume at home.
- Consumption facilities may reduce public use and provide additional cannabis business opportunities, particularly for social equity applicants
- Up to 10 adult-use states have passed laws establishing on-site consumption licenses (or granted local authority to do so) -- *but few have been licensed for operations*

Rationale against:

- With few facilities operational nationwide, there is little data to support claims about reducing public use, impaired driving/driving after visiting consumption lounge, etc.
- Given significant variability within each individual states' on-site consumption laws, there are no clear best practices for licensing and regulating these facilities



Onsite Consumption Lounges – Safety Recommendations

*Absent evidence-based approaches to on-site consumption, the **Best Practices Report** recommended the **Council** study and make recommendations to the General Assembly on whether and how to allow on-site consumption. A summary of best practices to consider are listed below.*

1. Prohibit the sale and use of alcohol and tobacco
2. Prohibit on-site consumption licensee from owning or controlling a license to grow, process, or dispense cannabis
3. Prioritize social equity businesses applicants/require % of on-site consumption licenses be issued to social equity businesses
4. Establish air quality and ventilation standards to protect employees and consumers, and to prevent the spread of cannabis odor outside the licensed premises
5. Establish zoning and planning requirements for on-site cannabis consumption facilities
6. Establish employee training and consumer education requirements
7. Consider adopting a process for establishing consumption facilities that priorities subject matter expert and public input

How to learn more

In addition to MCA's Best Practice Report, MCA has detailed reports on cannabis use including the Baseline Cannabis Use Study (a "first look" at cannabis use prior to expanded legalization) and the Maryland Medical Cannabis Patients Survey (the largest survey of medical cannabis patients to date, covering patterns of use, perceptions, and educational priorities). Visit cannabis.maryland.gov – "Data and Reports"

