

# POLICY SURVEILLANCE RESEARCH ON MARIJUANA LEGALIZATION: A NATURAL LEGAL EXPERIMENT

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**Community Prevention &  
Wellness Initiative Learning  
Community**

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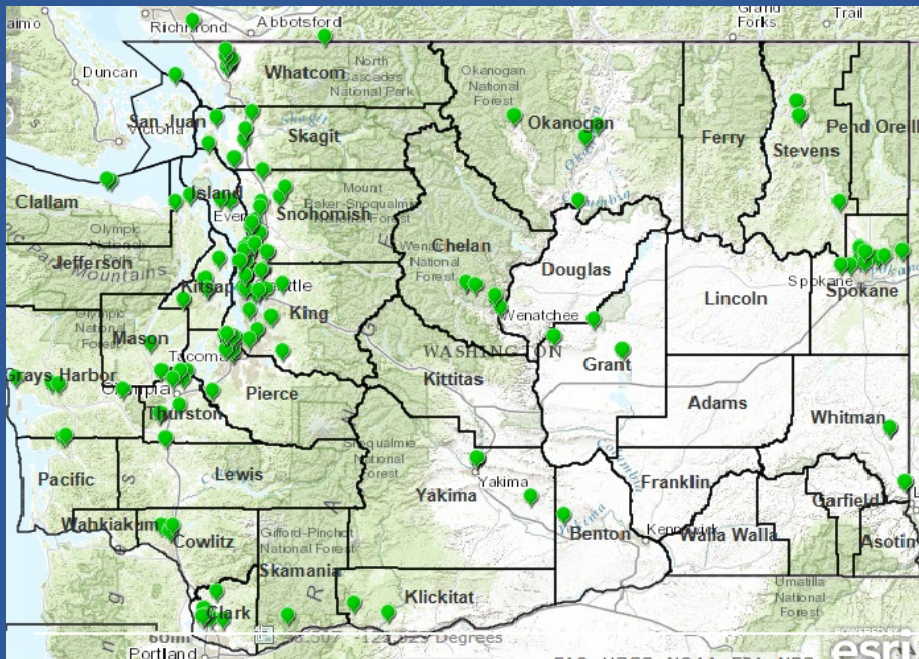
This work was funded by Public Health Law Research, a  
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# Learning Objectives

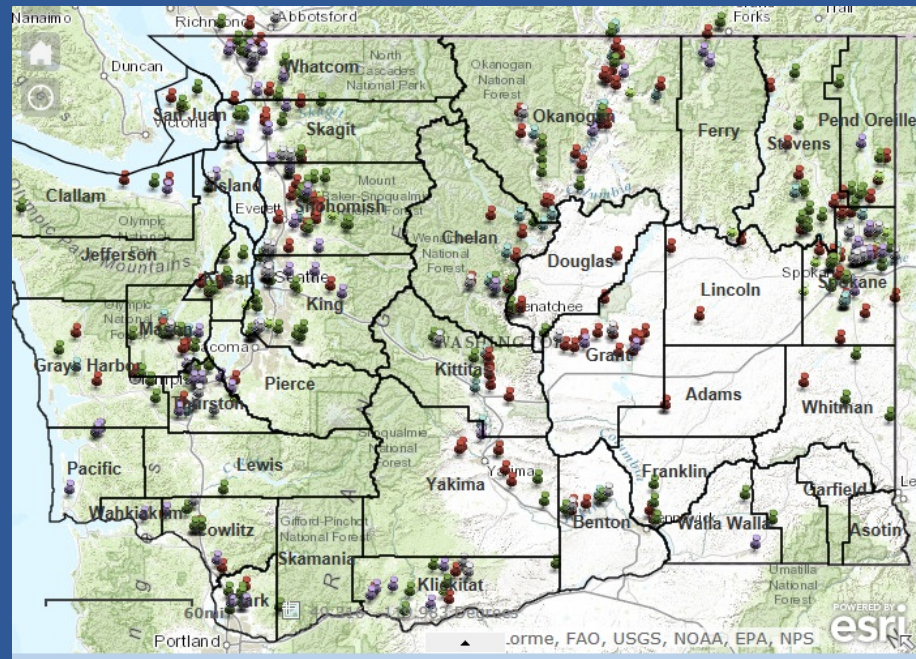
- Familiarity with local approaches to date in WA to regulating marijuana-related topics, including: Land use/zoning, licensing, buffers, etc.
- Understand the need for ongoing local policy monitoring as market expands to assess need/impacts of local regulation
- Introduction to King County's online 'policy surveillance' system – currently tracking 181 jurisdictions

# Licenses issued by LCB

Retail



Producer/Processor



# Public health implications of regulating marijuana



# Local v. State Policy

- ❖ Preemption?



- ❖ State loophole may have driven local policy

- ❖ Is a business a business a business?

# Local Policy Issues of Production & Processing



# Local Policy Issues of Retail Stores



# Example of Alcohol Policy Variability

## Policy Changes at a Glance

Changes By Year   Changes By Topic

Numbers in the table represent the number of policy changes per topic per year. In the 2014 column, only changes effective on January 1, 2014 (if any) are displayed. As the year progresses, more policy changes can be expected to occur, but these will not be captured until the next APIS update, which will update the information through January 1, 2015. Click on a policy or a number to filter data and display only the information specific to it.

Policy Topic	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Drink Specials						2		1						1	1			5
Wholesale Pricing						2	1			1	1			2				7
Alcohol Revenues Taxes: Beer						4		1	1	1		4	1	4		5	1	22
Alcohol Revenues Taxes: Wine						3	1	1	1			5	1	4		3	1	20
Alcohol Revenues Taxes: Distilled Spirits						2		2	3			3	1	4		3	1	19
Underage Possession/Consumption/Internal Possession of Alcohol	1		1	2		1	2	2	5	1		1	2	1				19
Underage Purchase of Alcohol	2	2	2	1	2	2	2		1	1	1						1	17
Furnishing Alcohol to Minors	1						1	1	1					1				5
Minimum Ages for On-Premises Servers and Bartenders						1						1						2
Minimum Ages for Off-Premises Sellers											1			1				2
Use/Lose Driving Privileges	1	2	1	2	1	3	1	3	2	4	1	4	1		1			27
Prohibitions Against Hosting Underage Drinking Parties		1	1			2	2	3	2	1	4		1	1	1	2		20
False Identification for Obtaining Alcohol		2	6	3	3	2	1	5	1	4	3	3	1	1		1		38
BAC Limits: Adult		3	2	2	4	13	4	1										30
BAC Limits: Youth	5																	5
BAC Limits: Operators of Recreational Watercraft	1	4	2	8	2	9	1	2	2	1	2		1	2		1		38
Open Containers of Alcohol in Motor Vehicles		5	12	4	2				2	1								27
Vehicular Insurance: Losses Due to Intoxication																		0
Key Registration						7	2	4	1	4	2	1	2				1	24
Reverence Service Trainings and Related Practices						1	5	4	3	2	1		2	3	1			22
Bans on Off-Premises Sunday Sales		1				3	2	1			1			1	1	1		11
Retail Distribution Systems for Beer	1				1	1	1	1	1	2	3			1	1			12
Wholesale Distribution Systems for Beer	1				1	1	1	1	1	2	3	1	1	1				13
Retail Distribution Systems for Wine	1	1				1	2	1			1	1	1	2				11
Wholesale Distribution Systems for Wine	1	1				1	1	1	1	1	1	1	1	2				12
Retail Distribution Systems for Spirits											1			1	2			4
Wholesale Distribution Systems for Spirits											1			1	2			4
Pregnancy and Alcohol: Warning Signs: Drinking During Pregnancy						2				1	1		1					5
Pregnancy and Alcohol: Limitations on Criminal Prosecution	1	1								1					1			4
Pregnancy and Alcohol: Child Commitment	2		1			1				1								5
Pregnancy and Alcohol: Priority Treatment								1	1	1	1	1	1		1			7
Pregnancy and Alcohol: Legal Significance for Child Abuse/Child Neglect						3	2			1							1	7
Pregnancy and Alcohol: Reporting Requirements						3	3	2	2	2	2		1	3	1	1		20
Health Insurance: Losses Due to Intoxication ("UPPL")			1	1	3		1	1	2	3	3	3					1	19
Health Insurance Parity for Alcohol-Related Treatment						2		1		1	1	8	2	1				16
	18	20	31	31	20	70	35	41	30	36	30	46	21	37	14	19	5	504



# Public Health Research: “Pot-Friendly or Pot-Restrictive? Mapping Local Marijuana Laws in WA State

## Comparison Policy Study

- Study of **zoning / land use** action by cities & counties in Washington state (181 total)
- Also **other action** that might address youth use / protection
- 2 time points / multiple variables (change over time **2013 - 2014**)

# Methods

- Develop data collection protocol
- Gather ordinances for cities with more than 3,000 residents (130 of 180 cities) and all 39 counties
- Develop codebook (iterative) and coding protocol
- Test code, revise codebook
- Code ordinances w/quality assurance
- Enter coding to data visualization system: PolicyTracker LawAtlas
- Report writing
- Final QA
- Launch Page

# Zoning Categorization Tool

	ZONES							
Types of zones	Residential SF Residential MF	Mixed Use	Urban Commercial	Office Park/Business Park	Light Industrial/ Manufacturing	Heavy Industrial/ Manufacturing	Rural	Agricultural
Actual names of zones								
Producer								
Processor								
Retailer								
Collective Garden								



## Codebook for Local Recreational Marijuana Laws in Washington State

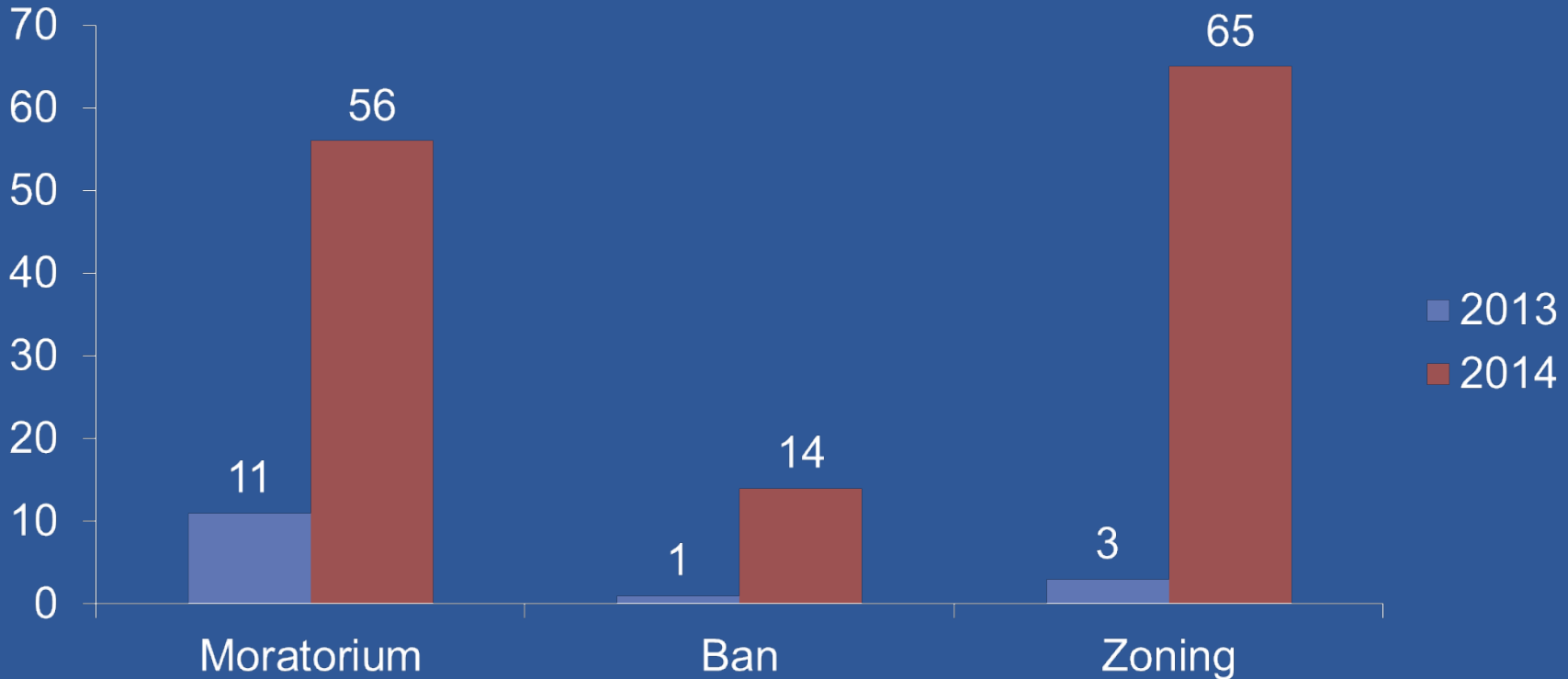
Prepared by Public Health – Seattle & King County

April 2015

### LawAtlas<sup>SM</sup> Policy Surveillance Portal

Question 1:	Does the local code explicitly allow any recreational marijuana-related land uses (siting of producers, processors and retailers) in the jurisdiction?
Question Type:	Categorical - mutually exclusive
Variable Name:	RecreationalSitingAddressed
Variable Values:	1, 2, 3
Value Label:	1 = Yes (explicitly allowed)
Value Label:	2 = No (prohibited)
Value Label:	3 = Silent (No action taken)
Question 2:	If recreational marijuana-related land uses explicitly allowed, what type of zoning exists?
Question Type:	Categorical - mutually exclusive
Variable Name:	RecreationalUses_ZoningType
Variable Values:	1, 2, 3
Value Label:	1 = Interim zoning
Value Label:	2 = Permanent zoning
Value Label:	3 = Allowed, but no zoning explicit to a marijuana-related use
Question 3:	Which types of recreational marijuana businesses are explicitly allowed to be sited in the jurisdiction?
Question Type:	Categorical - check all that apply
Variable Name:	RecreationalUsesAllowed_Producer
Variable Values:	0, 1
Value Label:	0 = No
Value Label:	1 = Yes
Question 4:	Which types of recreational marijuana businesses are explicitly allowed to be sited in the jurisdiction?
Question Type:	Categorical - check all that apply
Variable Name:	RecreationalUsesAllowed_Producer/Processor
Variable Values:	0, 1
Value Label:	0 = No
Value Label:	1 = Yes
Question 5:	Which types of recreational marijuana businesses are explicitly allowed to be sited in the jurisdiction?
Question Type:	Categorical - check all that apply
Variable Name:	RecreationalUsesAllowed_Processor
Variable Values:	0, 1
Value Label:	0 = No
Value Label:	1 = Yes
Question 6:	Which types of recreational marijuana businesses are explicitly allowed to be sited in the jurisdiction?
Question Type:	Categorical - check all that apply

# Volume/Types of Zoning Ordinances in WA immediately post Initiative 502



# LAND USE/ ZONING -- WHAT WE CODED

- Size
- Density of marijuana businesses
- Proximity to other marijuana businesses, and
- Set-backs from other (non-marijuana) uses
- PLUS - 11 additional conditions by zone.

# LAND USE/ZONING – FINDINGS - 2014

- Four jurisdictions allow **producers in residential zones**
- **Mixed use and commercial zones** most likely to allow **retail recreational stores** (mixed use allowed retail double the rate of commercial)
- **Proximity restrictions most likely by zone** to be regulated (instead of jurisdiction-wide).
- **No size or density restrictions** were found.

## OTHER LOCAL REGULATORY TOOLS – WHAT WE CODED

- Local medical/patient law
- Local business license required
- Local excise tax
- Regulation of ‘vaping’ lounges for marijuana
- Public use
- Civil sanctions
- Criminal sanctions



## OTHER LOCAL REGULATORY TOOLS – FINDINGS 2014

- **No local medical regulatory framework** (eg patient/provider registries, mmj cards) found– 14 refer to state law section that was vetoed
- **No 'local marijuana business license'** required in any cities
- **No local excise taxes** (preemption?)
- **No bans on vaping / edibles lounges** –
- 14 jurisdictions employ **civil sanctions for public use (recreational)**
- **No local criminal sanctions**
- Two **allow medical home-growing for personal use**

# Overall Conclusions


- **Zoning currently primary local tool** – legalization of recreational marijuana apparently also spurring local regulation of medical
  - E.g., two-thirds of 32 King County cities have either banned, zoned, or are studying medical marijuana collectives/dispensaries.
  - Few other local restrictions on medical.
  - Equity impacts in siting not obviously considered (e.g., no density, few proximity restrictions)

# Overall Conclusions

- **Very few local governments address youth access** directly
  - may consider this state role?
    - 24 refer to youth-related buffers (medical), 38 refer to youth-related buffers (recreational) – state law
    - Only 6 jurisdictions restrict siting beyond state law vis-à-vis youth-serving entities (by adding to the list w/1000 foot buffers)
    - Other buffers being considered at local level
    - We may see movement in 2015 due to recent authority given to local governments to change state 1000 foot buffer requirement
- Other local tools not yet in play
  - **Marijuana 'impact zones', regulation of vaping / edibles private lounges areas to watch**

# King County LawAtlas PolicyTracker





<http://www.kingcounty.gov/healthservices/health/data/PolicyTracker.aspx>

Public Health Budget	<h2>LawAtlas Policy Tracker</h2>  <h3>WHAT IS LAWATLAS POLICY TRACKER?</h3> <p>The policy tracker provides visual information about local policies that impact health. The interactive maps show policies adopted by local governments, public sector institutions (like school districts or public universities), and private organizations in King County to allow for easier comparison of implemented policy elements, how they differ over time and across jurisdictions, and to evaluate impact.</p> <h3>READ MORE ABOUT HOW TO USE LAWATLAS POLICY TRACKER</h3> <h3>HOW DOES IT WORK?</h3> <p>To view maps for comparison and understanding of where and when particular policy elements were established:</p> <ul style="list-style-type: none"><li>• Click an area of health policy and the LawAtlas page will load in a different window. <i>Current data focuses on tobacco and marijuana related policies. More policies will be added as they are developed.</i></li><li>• Pick a year</li><li>• Narrow results based on key components of the policy</li><li>• View the map</li><li>• Download the data (includes all the components of the policy that were coded)</li><li>• For additional information about how data were collected and coded, consult the codebook on the LawAtlas site.</li></ul>
Public Health Centers and other office locations	
News releases	
Multiple language materials	
Board of Health	
Birth and death records	
Child and youth health	
Chronic diseases	
Codes and jurisdictions	
Communicable diseases and immunization	
Data and reports	
City health profiles	
School district health profiles	
Community health data	
Data services	
Health Data News	
<b>LawAtlas Policy Tracker</b>	
Maps	
Reports, A-Z	
Resources and links	
Environmental health services	
Emergency preparedness	
Emergency Medical Services (EMS)	
Violence and Injury Prevention	
Health and marijuana	
Medical examiner	
Nutrition	
Partnerships, coalitions and initiatives	
Primary care and personal health	
Tobacco prevention	
About us	
Jobs	
Site map	

## Try It Out!

### Policy Datasets and Maps

Click the links below to go to the LawAtlas website (external link) for maps, reports, and data analyses of local policies.

- [School District Tobacco-Related Policies for K-12](#) 
- Policies, rules, and sanction information around tobacco-related policies in King County School Districts
- [Tobacco-free parks policies](#)
- Local city ordinances and rules pertaining to tobacco use in parks.
- [Tobacco-free college and universities policies](#)
- Policies and rules pertaining to tobacco use at colleges, universities and technical institutes.
- [Distractions Driving](#) 
- Cities and counties in Washington State with inattentive driving ordinances
- [Recreational marijuana policies](#) 
- Recreational marijuana ordinances in Washington State cities with more than 3,000 residents and all counties
- [Medical marijuana policies](#) 
- Medical marijuana ordinances in Washington State cities with more than 3,000

# Where recreational businesses allowed in WA – Aug 2014 (PolicyTracker)

The screenshot displays the PolicyTracker interface. On the left is a map of Washington state with several green-shaded regions. Below the map is a legend and a 'Pick a year' dropdown menu set to '2014'. On the right, a blue button labeled 'Start here' is circled in red. Below it, a 'Did you know?' section contains text about the interactive map. A search bar contains the query 'Does the local code explicitly allow siting of any commercial RECREATIONAL marijuana-related uses?' and is also circled in red. Below the search bar, a table lists '42 Policies Found' (this count is circled in red). The table has columns for Jurisdiction, Effective date, Valid Through date, Law (with a 'View Law' link), and Local code explicitly allows siting of commercial recreational marijuana-related uses. An 'Excel' icon is visible in the top right of the table area.

Jurisdiction	Effective	Valid Through	Law	Local code explicitly allows siting of commercial recreational marijuana-related uses	Excel
<b>Aberdeen</b>   City	07/01/2014	01/02/2015	<a href="#">View Law</a>	Yes (explicitly allowed)	
<b>Airway Heights</b>   City	07/01/2014	08/31/2014	<a href="#">View Law</a>	Yes (explicitly allowed)	
<b>Arlington</b>   City	07/01/2014	12/12/2014	<a href="#">View Law</a>	Yes (explicitly allowed)	
<b>Bainbridge Island</b>   City	07/01/2014	12/16/2014	<a href="#">View Law</a>	Yes (explicitly allowed)	
<b>Bellevue</b>   City	07/01/2014	10/21/2014	<a href="#">View Law</a>	Yes (explicitly allowed)	
<b>Bellingham</b>   City	07/01/2014	08/12/2014	<a href="#">View Law</a>	Yes (explicitly allowed)	
<b>Cheney</b>   City	07/01/2014	01/12/2015	<a href="#">View Law</a>	Yes (explicitly allowed)	
<b>Covington</b>   City	07/01/2014	11/12/2014	<a href="#">View Law</a>	Yes (explicitly allowed)	
<b>East</b>	07/01/2014	08/11/2014	<a href="#">View Law</a>	Yes (explicitly allowed)	

# Recreational businesses allowed – cities only (2014)

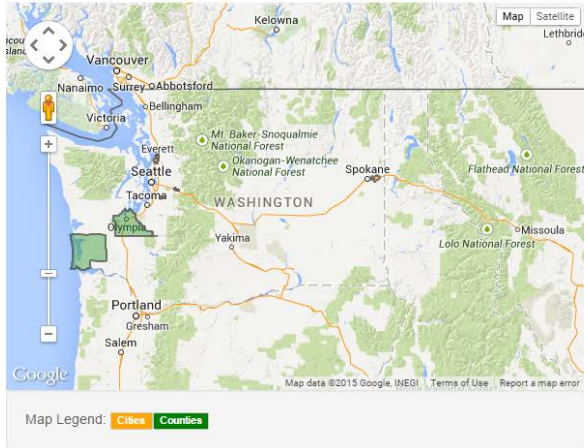


# Where youth buffer zones est. in local ordinances in WA – Aug 2014 (PolicyTracker)

The screenshot shows the PolicyTracker interface. On the left is a map of Washington state with green overlays indicating buffer zones. On the right, there's a search section with a 'Start here' button circled in red. Below it, the year '2014' is selected. A search filter is circled in red: 'Does the jurisdiction list youth-serving facilities away from which marijuana-related uses must be sited?'. Below the filter, it says '17 Policies Found' (circled in red). A table lists the results:

Jurisdiction	Effective	Valid Through	Law	Local code lists youth-serving facilities that include a buffer limit from which medical marijuana-related uses must be sited
Pacific   County	07/01/2013	01/31/2015	<a href="#">View Law</a>	Yes
Airway Heights   City	07/01/2014	08/31/2014	<a href="#">View Law</a>	Yes
Bellevue   City	07/01/2014	01/13/2015	<a href="#">View Law</a>	Yes

# Separate (new) youth buffers in local ordinances – Aug 2014 (PolicyTracker)



Pick a year

**2014**

Start here

Did you know?

This interactive map shows the ways in which various laws. Continue reading laws and how to build a

[Read more](#)

- Does the local code explicitly allow any recreational marijuana-related land uses (siting of producers, processors and retailers) in the jurisdiction? **Yes (explicitly allowed)**
- Does the local code list youth-serving facilities away from which recreational marijuana-related land uses must be sited? **Yes**
- Does the local code add to the state law's list of youth-serving facilities from which marijuana-related land uses must be sited? **Yes (addition)**

6 Policies Found

Jurisdiction	Effective	Valid Through	Law	Marijuana businesses allowed	Local buffers from youth-related uses	Jurisdiction adds to the state law's list of youth-serving facilities from which marijuana-related land uses must be sited	State's listing of youth-serving facilities: (a) Elementary or secondary school; (b) Playground; (c) Recreation center or facility; (d) Child care center; (e) Public park; (f) Public transit center; (g) Library; or (h) Any game arcade (where admission is not restricted to persons age twenty-one or older).
Covington   City	07/01/2014	12/31/2014	<a href="#">View Law</a>	Yes (explicitly allowed)	Yes	Yes (addition)	
Everett   City	07/01/2014	12/31/2014	<a href="#">View Law</a>	Yes (explicitly allowed)	Yes	Yes (addition)	
North Bend   City	07/01/2014	02/28/2015	<a href="#">View Law</a>	Yes (explicitly allowed)	Yes	Yes (addition)	
Spokane Valley   City	07/01/2014	12/31/2014	<a href="#">View Law</a>	Yes (explicitly allowed)	Yes	Yes (addition)	
Pacific   County	07/01/2014	02/28/2015	<a href="#">View Law</a>	Yes (explicitly allowed)	Yes	Yes (addition)	
Thurston   County	07/01/2014	12/31/2014	<a href="#">View Law</a>	Yes (explicitly allowed)	Yes	Yes (addition)	



# Questions

- Do places with greatest availability (least restrictive zoning, higher density) have worse outcomes (higher use, higher marijuana-related injury, lower age of initiation)?
- What effect does variation in ordinances have on health outcomes and disparities?
- How will policy surveillance be useful to you, as a resource to engage your community?

# For more information...

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For marijuana ordinance maps see: King County LawAtlas<sup>SM</sup>  
PolicyTracker

<http://www.kingcounty.gov/healthservices/health/data/PolicyTracker.aspx>