



SANTA BARBARA COUNTY
ADVISORY BOARD ON ALCOHOL & OTHER DRUG PROBLEMS
300 North San Antonio Road, Santa Barbara, CA 93110
Phone (805) 681-5440 / Fax (805) 681-5413
<http://www.countyofsb.org/behavioral-wellness/home.c>

To: Santa Barbara County Board of Supervisors
From: The Advisory Board on Alcohol and Other Drug Problems
Re: Prop 64 - the Adult Use of Marijuana Act

Dear Board of Supervisors,

During our monthly advisory board meeting held October 3, 2016, we discussed Proposition 64, the Adult Use of Marijuana Act. Recent polling indicates Proposition 64 is running at between 52-60% approval.

While our board was not able to come to consensus on a yes/no position on Proposition 64, we did vote unanimously to advise you on the following concerns, as the passage of this act in November will very likely impose new fiscal and social impacts on our community. Additionally, we felt it important to draw your attention in advance to decisions you will likely face as a board should Proposition 64 pass this November.

Concerns for the Health and Wellbeing of our community related to the passage of Proposition 64:

1. **Advertising of Recreational Marijuana Impacts on Youth:** We cannot stress enough to you that the act does not go far enough in protecting youth in our county from adverse impacts of legalized recreational marijuana. While it sets a legal age for use of 21, and prohibits advertising to minors, it only requires that 71.6% of the target market for advertisements for legal recreational marijuana be reasonably expected to be 21 and older. Given the sophistication of advertising that has evolved across social media and the internet, and given how medical marijuana marketing efforts relaxed perceptions of harm among youth, we are virtually certain that advertising of legal recreational marijuana will have a noticeable impact on youth in our county. Many of our service providers do not have sufficient budget to provide adequate prevention programs, and it's well known that schools face such enormous pressures on performance metrics that their budgets leave nothing for prevention efforts. The California Healthy Kids survey, administered annually to grades 5, 7, 9 and 11, has consistently

Alice A. Gleghorn P.H.
Director
Behavioral Wellness

John Doyel, MA, LAADC
Program Manager
ADP

Sharon Byrne
Chair

Jim Laponis
Vice Chair

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documented decreased perceptions of harm associated with marijuana use. The Substance Abuse and Mental Health Services Administration (SAMHSA) published similar results recently, noting, 'states with higher rates of marijuana use were more likely to have lower percentages of adolescents who think there is great risk in using marijuana, whereas states with lower rates of use tend to have higher percentages of adolescents who think there is great risk in using marijuana.'¹

We also looked at reports from Colorado, though their experience with legalization of recreational marijuana is short - 3 years at this point. While their youth usage is increasing in a way not considered statistically significant in the most recent data, Colorado has consistently been at the top spot in the US for youth usage for marijuana, a position it still holds.

It's important to note that adolescent brain development is not completed until age 25, something apparently well known to insurers, as auto rental businesses will not rent cars to those under 25. Research shows that casual to persistent use of marijuana impairs brain development in adolescents.²

2. **The dramatic increase in THC potency presents risks only partially addressed by the initiative.** Marijuana in the 1970's is estimated to have contained between 0.4 to 1% THC. Today, THC concentration is as high as 25%. This dramatically increased level of potency has produced psychotic episodes in some users. At the same time, there is no statewide test to determine impairment in driving from marijuana use. Again looking at Colorado data, there has been a spike in emergency room visits and impaired driving associated with legal recreational marijuana use. We should prepare for similar results in our county and take steps to address them. The act provides some funding to CHP for 5 years to assess impairment, but that does nothing to reduce dangers of impaired driving that could occur immediately after the act's passage.
3. **Concern that Proposition 64 Creates and Encourages An Enormous Marijuana Industry.** While we might philosophically agree that it's probably wise to cease arresting and incarcerating people for marijuana usage, and to regulate and tax the already-proliferate use of marijuana, this act goes far beyond in creating the structure for a thriving industry of cultivation and retail sale of recreational marijuana. That will necessitate some decisions by the Board of Supervisors as to what extent, if any, that the recreational marijuana industry will be permitted within Santa Barbara County unincorporated areas.

¹ http://www.samhsa.gov/data/sites/default/files/report_2121/ShortReport-2121.html

² <http://www.apa.org/monitor/2015/11/marijuana-brain.aspx>

Decisions Likely Required In Response to Passage of Prop 64:

The following list is not meant to be exhaustive, but is our best attempt to advise you of what the county would likely need to contemplate should Prop 64 pass in November:

1. **Whether to permit retail dispensary outlets for the sale of recreational marijuana in the county unincorporated areas.** The initiative allows for smoking of marijuana within retail outlets that sell it, but does not allow retail sale of recreational marijuana in places where alcohol and tobacco are sold. The county also has the option to ban retail outlets under the initiative. If no zoning ordinance is passed regarding retail sale outlets for recreational marijuana, the state regulations will apply.
2. **Whether to allow cultivation of recreational marijuana within the county unincorporated areas.** The act allows personal cultivation of up to 6 plants. The county would need to determine if it wants to allow commercial cultivation and then determine applicable zoning.
3. **Whether to place a county tax on the cultivation and recreational sale of marijuana.** Per the ballot initiative, the state assesses cultivation fees, and also a 15% sales tax on recreational marijuana. Local jurisdictions also have taxing power should they decide to permit cultivation and/or sale of recreational marijuana within their jurisdiction.
4. **Whether to allow and tax delivery services for recreational marijuana.** Such services for medical marijuana are currently unregulated and untaxed. The same would likely be the case for recreational marijuana unless the board of supervisors decides differently.
5. **Recognize that increased Public Health funding will be required for public health needs related to impacts of legalized recreational marijuana, and secure such funding.** The act does make some funding available for addiction treatment, substance use disorder treatment, and mental health treatment. That funding is supposed to be available irrespective of the county's local ordinances regarding cultivation and sale of recreational marijuana. Denver's youth now use marijuana more frequently than tobacco, and our prevention resources report a similar perception shift among California youth that smoking marijuana is less harmful than tobacco. Given that, and the dearth of prevention resources available at present, if there is an opportunity for increased funding from the California Marijuana Tax Fund created under Proposition 64, we encourage you to obtain as much of it as possible to address an increased need for prevention and education related to recreational marijuana usage in our county. Additionally, if there are opportunities to fund research into addiction, please take advantage of that opportunity.

Alice A. Gleghorn P.H.
Director
Behavioral Wellness

John Doyel, MA, LAADC
Program Manager
ADP

Sharon Byrne
Chair

Jim Laponis
Vice Chair

One final footnote – the federal government has not changed its stance, regardless of state laws, leaving the entire industry open to federal prosecution. If there are avenues to work with the federal government if Prop 64 passes, we encourage you to pursue them.

We hope that we have been able to advise you appropriately of community concerns, budget impacts, and decisions that you will likely face if Proposition 64 passes this November.

Kind regards,

Sharon Byrne

Chair, Advisory Board of Alcohol and Other Drugs, Santa Barbara County, 1st District

Jim Laponis,

Vice-Chair, Advisory Board of Alcohol and Other Drugs, Santa Barbara County, 1st District

Ruth Ackerman

Advisory Board of Alcohol and Other Drugs, Santa Barbara County, 2nd District

Judy Blue

Advisory Board of Alcohol and Other Drugs, Santa Barbara County, 2nd District

Sharon Rumberger

Advisory Board of Alcohol and Other Drugs, Santa Barbara County, 2nd District

Chris Burtness

Chair, Education and Prevention Committee

Advisory Board of Alcohol and Other Drugs, Santa Barbara County, 3rd District

Jim Rohde

Mental Health Commission and Advisory Board of Alcohol and Other Drugs, Santa Barbara County, 3rd District

Jennifer Smith

Advisory Board of Alcohol and Other Drugs, Santa Barbara County, 3rd District

Edwin Weaver

Advisory Board of Alcohol and Other Drugs, Santa Barbara County, 4th District

Mike Cordero

Advisory Board of Alcohol and Other Drugs, Santa Barbara County, 5th District

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Director
Behavioral Wellness

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Program Manager
ADP

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Vice Chair