



Medical Marijuana: **Public Health Policy Considerations**

Nine in 10 Kentucky adults support legalizing marijuana for medical conditions, according to the [2019 Kentucky Health Issues Poll](#). [Laws](#) in 33 states and the District of Columbia now permit medical marijuana and 11 states have legalized recreational marijuana. Yet there are significant gaps in research about the effectiveness of the compounds derived from the cannabis plant as a health remedy. In fact, the United States Food and Drug Administration has only approved four drugs with ingredients derived from marijuana for use to treat certain medical conditions. There are also concerns and a lack of research about the impact of loosening marijuana restrictions on public health. Clearly, public opinion is ahead of science, in part because of tight restrictions on marijuana research due to it being a Schedule 1 drug. Meanwhile, the Kentucky General Assembly is considering easing restrictions on marijuana for medical conditions.

The Foundation for a Healthy Kentucky hosted a [statewide policy forum](#) in September 2019 to elevate the public health voice in policymaking discussions about marijuana. Our goal was to bring together an array of experts, stakeholders and advocates on all sides of the issue to discuss practical public health policy considerations to promote the health, wellbeing and safety of Kentuckians around marijuana policy. Following is a list of policy considerations that were raised at the forum:

Protect At-Risk Populations from Marijuana Use Disorders

There is little research about how medical marijuana affects persons with mental health disorders, but there is substantial evidence about the risks to the developing fetus and infants.

- Prohibit recommendation of marijuana to pregnant or nursing women.
- Require patients to have a medical recommendation card obtained from licensed physician to purchase marijuana for medical conditions.

Prevent Poisonings, Accidents, Crime and Secondhand Exposure

Statistics from Colorado and Washington State following marijuana legalization showed increases in poison control center calls, ER visits, hospitalizations, and car crashes. The role played by marijuana in car crashes and worksite accidents is difficult to ascertain because it can be detected long after intoxication.

- Establish child-proof packaging requirements to prevent accidental ingestion and exposure.
- Establish liability for negligent storage in spaces where children are present.
- Require cultivation to be in a locked, enclosed facility.
- Prohibit public consumption and smoking of marijuana.

Reduce Youth Access

Research from Washington, Oregon and Colorado show an increase in youth use of marijuana following legalization, which signals the “normalization” of marijuana use. Repeated use of marijuana during adolescence can cause long-lasting brain changes and jeopardize health.

- Restrict advertising and marketing that reaches and/or targets kids and youth (such as use of models that appear underage, unapproved health claims, cartoon characters, depictions of product being used to create “high”)
- Prohibit kid-friendly shapes, colors, product formats and packaging.
- Prohibit formats that mimic or resemble existing food, beverage, candy or other common consumable products.
- Restrict sales to face-to-face transactions in licensed, 21-and-over bricks-and-mortar locations; create a sufficient minor decoy compliance check system.
- Prohibit possession by any person at any time on school buses, and in school vehicles while minors are present.

Ensure Quality Control and Appropriate Dosage

Today’s marijuana can have a very high concentration of THC, the chemical that produces the “high” from marijuana. Marijuana plants confiscated in the 1970s contained 1-2 percent THC; in 2019, it was about 17 percent. Marijuana derivatives can contain up to 99.9 percent THC.

- Require licenses for cultivators, processors and dispensaries.
- Restrict sales to face-to-face transactions in bricks-and-mortar dispensaries.
- Regulate pesticide use.
- Require growers and retailers to publicize recalls.
- Establish potency caps.
- Require testing and accurate labeling of THC levels at appropriate places in the distribution chain.
- Require processing facilities to following safe manufacturing and packaging standards.
- Establish accredited testing lab system.
- Ensure traceability throughout the supply chain and monitor inventory.
- Prohibit health care practitioners from directly or indirectly owning an interest in, or receiving funds from, any marijuana growing, processing or dispensing business.

Enforcement and the Justice System Considerations

There is a strong correlation between illegal marijuana use and crime, but there are mixed results regarding the impact of medical marijuana laws on crime. Minorities are disproportionately targeted for arrests related to marijuana, and that remains the case in Colorado following legalization.

- Eliminate purchase, use and possession penalties against youth.
- Set aside portion of excise tax to fund enforcement.
- Emphasize treatment over incarceration.
- Set aside portion of excise tax to fund treatment and prevention.

Educate Providers and the Public

- Set aside portion of excise tax to fund provider and public education about risks of marijuana use and lack of scientific basis for treatment of medical conditions.
- Establish an annual reporting mechanism to increase transparency by providing data on the public health impacts of the law and its implementation and enforcement.