Combating Pressure to Expand Marijuana Availability in Texas: Building an Advocacy Voice

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President SparksInitiatives

Where We Find Ourselves
We are conflicted About Marijuana

Where We Find Ourselves

There’s This - Decriminalization:
Then There’s This – Medical MJ:

And This – Recreational Use:
Finally There’s This:

What To Do?

Personal and Professional Inaction

The Marijuana Industry

Total Action
The Marijuana Industry

NORML:
- Mission is to move public opinion sufficiently to achieve the repeal of marijuana prohibition so that the responsible use of cannabis by adults is no longer subject to penalty.

Drug Policy Alliance:
- Mission: Our mission is to advance those policies and attitudes that best reduce the harms of both drug use and drug prohibition, and to promote the sovereignty of individuals over their minds and bodies

Marijuana Policy Project:
- Increase public support for non-punitive, non-coercive marijuana policies.
- Identify and activate supporters of non-punitive, non-coercive marijuana policies.
- Change state laws to reduce or eliminate penalties for the medical and non-medical use of marijuana.
- Gain influence in Congress.
Typical Policy Path

Decrim | Medical | Recreational

Legislative vs. Ballot Referendum

MJ Decriminalization

NORML
Medical Marijuana

Recreational Marijuana
Texas

Current Texas Medical MJ Law

- **SB 339** – Texas Compassionate Use Act (June 1, 2015)
  - Low THC cannabis & 10% or more cannabidiol ("CBD")
  - “Dispensing organizations” may cultivate, process, and distribute low-THC cannabis to certain patients
  - Intractable epilepsy is the only condition that qualifies
MMP Has Big Plans for Texas

- Expand Compassionate Use program
- Decriminalization (HB 507 – Rep Joe Moody): Died in committee 2015

Marijuana law reform has reached Texas!

Marijuana policy in the 84th Texas legislative session

https://www.mpp.org/states/texas/

The Push is On

Lawmakers: Decriminalizing marijuana could be good for Texas business
### 2017 Texas Legislative Action

#### 2017 --PROPOSED MARIJUANA LEGISLATION

<table>
<thead>
<tr>
<th>Bill Type</th>
<th>Bill Number</th>
<th>Sponsor(s)</th>
<th>TEXT:</th>
<th>STATUS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decriminalization</td>
<td>HB 81</td>
<td>Reps. Moody, Isaac, Dutton, &amp; Minjarez</td>
<td>Creates a civil penalty for possession of marijuana of less than one ounce, with attached civil penalty of $250.</td>
<td>Made it to Floor no vote:</td>
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<td></td>
<td>SB 170</td>
<td>Sen. Rodriguez</td>
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<tr>
<td>Decriminalization</td>
<td>HB 82</td>
<td>Rep. Dutton</td>
<td></td>
<td>Made it to Floor no vote:</td>
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<td>HB 680</td>
<td>Rep. Wu</td>
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<tr>
<td>Decriminalization</td>
<td>HB 2407</td>
<td>Reps. Lucio III, Isaac, White, &amp; Simmons</td>
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<td>SB 269</td>
<td>Sen. Menéndez</td>
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<tr>
<td>Comprehensive Medical Marijuana</td>
<td>HB 2107</td>
<td>Reps. Lucio III, Isaac, White, &amp; Simmons</td>
<td>Creates a Class C (fine only) misdemeanor offense for possession of one ounce or less with fewer than three prior marijuana offenses in the 24 months prior to the charge.</td>
<td>Awaiting Committee hearing</td>
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<tr>
<td></td>
<td>SJR 18</td>
<td>Sen. Rodriguez</td>
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</tr>
<tr>
<td>Recreational Legalization</td>
<td>HJR 46</td>
<td>Rep. Howard</td>
<td>Creates a Class C (fine only) misdemeanor for possession 0.35 ounces or less.</td>
<td>Awaiting Committee hearing</td>
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<td></td>
<td>SJR 17</td>
<td>Sen. Rodriguez</td>
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**What Does the Future Look Like?**

1) Who here was aware of SB 339?

2) Who here worked to oppose SB 339?

3) How many of you believe MJ will be decriminalized in the next 5 years?

4) How many of you believe medical MJ will be expanded in the next 5 years?

5) How many of you believe recreational MJ will be legal within 10 years?
Lesson #1
Marijuana, Like Alcohol, is Not an Ordinary Commodity

- Our market system is suited to ordinary commodities
- The industry will not market marijuana in a way that protects public health and safety, particularly for young people
- A marijuana control system needs to be carefully planned and maintained.

The Fastest Growing Industry: Projected Value of the Legal Marijuana Market
(billions of dollars)

Source: Arc Group, 2014
Cannabis Investment Opportunities

“The Green Fund is a comprehensive group of qualified small cap public companies in the emerging hemp and medical marijuana sectors. ... Forget the gold rush. A billion dollar $$$ pot green rush. Legal marijuana, the next great American industry.”

Lesson #2
Strictly Regulate the Marketing of Marijuana

Promotion
Place
Product
Price

Industry Impacts in Local Communities

“Total Marketing... combines all the key marketing elements into a single orchestrated thrust.”
August A. Busch, III
The promotion “P” refers to raising customer awareness of a product or brand, generating sales, and creating brand loyalty.
#2: Price

The price “P”:
Price is critical in marketing strategy. The higher the cost, the lower the consumption resulting in lower rates of problems.
The product “P” describes the marijuana or related products being marketed being sold. Different types/strains of marijuana with distinct characteristics are developed for each targeted group.
#4: Place

The place “P” refers to the location of marijuana sales, service and smoking. Place in public health terms is referred to as “marijuana availability.”

Marijuana: Physical Availability and Related Problems

Increased marijuana availability → Increased marijuana consumption → Increased public health/safety problems
### Place

- Number/density of retail and cultivation locations
- Location near sensitive locations
- Serving/selling practices
Place

Medical Marijuana- Regulating The 4P’s: How We Doing So Far?
Recreational Marijuana - Regulating The 4P’s: How We Doing So Far?

Lesson #3: Limit the Industry Size and its Political and Economic Power

- Alcohol companies spent $24.6 million on lobbying at the federal level in 2014 alone
- They have one lobbyist for every two members of Congress
- Alcohol companies gave $150 million to state political campaigns from 2001-2010
Is there a Difference?

Dollars and political power drive the structure of the regulatory framework

The Marijuana Industry Lobby: Growing by Leaps and Bounds
Lesson #4: Support Community Action Groups for Marijuana Policy Reform

- The industry has money – we need numbers
- Biggest gains in alcohol policy have come through social movements
- Create opportunities for community members to have a voice at the policy table.

How Do We Exercise Power?

- Oppose increase liberalization of MJ laws
- Influence structure of state level bills/initiatives to legalize medicinal MJ or recreational MJ
- Influence rule making after legal structure is approved by voters/legislators
- Build a local regulatory system
Medical Marijuana States: Legalized by state ballot initiative or legislative process (state bill)

- Initiatives often contain less regulatory detail.

- Legislative bills often contain significant detail.

Influencing State Level Laws & Initiatives

State-level regulatory frameworks may include

- Grow requirements
- Distance requirements
- Age of use
- State licensing
- DUI
- Taxation
- Excise taxes
- Distance requirements
- Licensee requirement
- Purity requirements
Building a Local Regulatory Structure

1. Place
- Growers
- Retailers
- Distributors
- Licensing
- Distance regulations
- Crime prevention (CPTD)
- Days/times of operation
- On-site consumption

2. Product
- Standards
- Project origin
- MJ Accessories
- Allowable products for sale

3. Price
- Minimum pricing and who sets it
- Sales and excise taxes

4. Promotion
- Signage
- Advertising regulations
- Sponsorships
- Restrictions on use in fundraisers
- Restrictions on sale of promotional items (i.e. logo t-shirts)
Levels of Influence

State Prevention Alliances
- Influencing adoption or writing of state level MJ bills & initiatives
- Influencing rule making pertaining to newly passed MJ bills or initiative
- Development of a local MJ regulatory structure

Local Prevention Coalitions

Implementation
- Organize
- Build Coalitions
- Advocate

Artwork courtesy of Jenny Anderson
Legal Marijuana: The Future?

Want To Share Your Ideas & Thoughts?

3:30 – 5:00 -- Today

Session to talk about building a state-level advocacy presence

TAKE ACTION!