

# MAPPING LOCAL MARIJUANA ORDINANCE VARIATION IN WASHINGTON STATE



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Dow Constantine

National Prevention  
Network

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# Acknowledgments

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# Disclosures

- I have nothing to disclose.

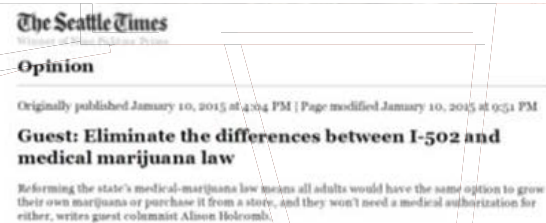
# Public health implications of regulating marijuana



# Presentation today

- Washington's new marijuana statewide natural legal experiment, public health research value in understanding local government response
- New legal epidemiology methods/policy surveillance – what is it, how do you do it, and what value does it have
- Public Health – Seattle & King County's policy surveillance system for local city/county marijuana ordinances – what does it tell us, future predictive value

# Daily Coverage



By Alison Holcomb  
Special to The Times



AS medical marijuana heads back to Olympia, legislators are leaping for a rerun of last session's drama of makeshift dispensary operators and self-appointed patient advocates decrying any effort to rein in abuses of the law.

Lawmakers face many competing priorities, but it's important they clean up Washington's medical-marijuana mess. Before licensed marijuana retail stores began opening last summer, legitimate reasons existed to tolerate some of the commercial activity that's been squeezing itself into gaps in the medical-marijuana law. Now, however, it's time to stop winking and nodding. Everyone who wants to make money selling marijuana ought to play by the same rules, and we finally have a set of rules under Initiative 502.

I-502 did not legalize "recreational" marijuana. I-502 created a system for regulating commercial marijuana activity, regardless of the intended use of the product. Products patients with terminal and debilitating conditions arguably should be held to high standards, which could be added to I-502's baseline. But it's time for businesses not used to comply with at least the same requirements as I-502 producers and retailers to close up shop, and the Legislature needs to make that explicit under the medical-marijuana law.





# Google Map of Medical Marijuana Dispensaries (Weedmaps.com)

**KUSH TOURISM**  
SEATTLE MARIJUANA TOURS


HOME WASHINGTON COLORADO OREGON ALASKA NEVADA CALIFORNIA MEDIA

## WASHINGTON MARIJUANA INFORMATION

Tours & Activities | Lodging | Retail Shops | Quick FAQ | Things to Do

The Evergreen State is certainly one of, if not the most, marijuana friendly areas of the country. Medicinal cannabis has been legal since 1998 and recreational use was approved on Nov. 3, 2012. The general attitude towards the herb is very relaxed, especially in the Seattle area. During the annual celebration Hempfest, which takes place each August, you will see the Seattle Police cruising around on bicycles handing out munchies with guidelines for staying out of trouble.

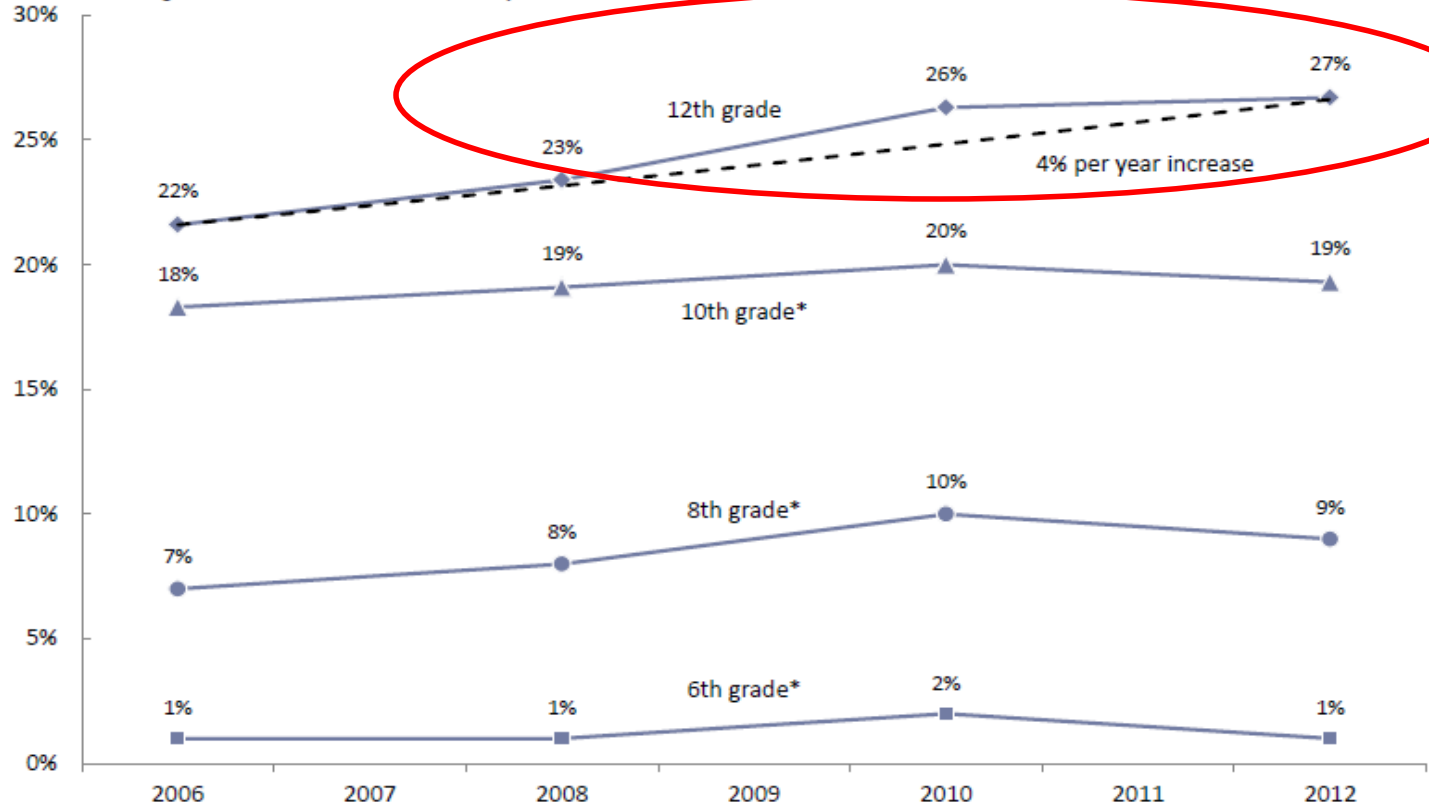
Initiative 502 allows for the cultivation and recreational use of weed. Legal stores have been cropping up in the area and you can use this [List](#) to find an approved Retail Store near you. Shop at one of these stores to make sure your purchases are legal or examine the packaging of your pot products. Each legal item will be clearly labeled with the total THC contents. Edibles won't exceed 10 milligram serving sizes, and you should always be able to receive a receipt following your purchase.



## 1.1 Current Use – Students

Taken from the Healthy Youth Survey, which is administered every two years to sixth-, eighth-, 10<sup>th</sup>- and 12<sup>th</sup>-graders, the question, "Have you used marijuana in the past 30 days?" gauges current marijuana use among students. As seen below, for 12<sup>th</sup>-graders, use is increasing by 4 percent per year, from 22 percent in 2006 to 27 percent in 2012. For all other grades there are no significant trends.

Source: Washington State Health Youth Survey, 2006-2012



\* No significant trend

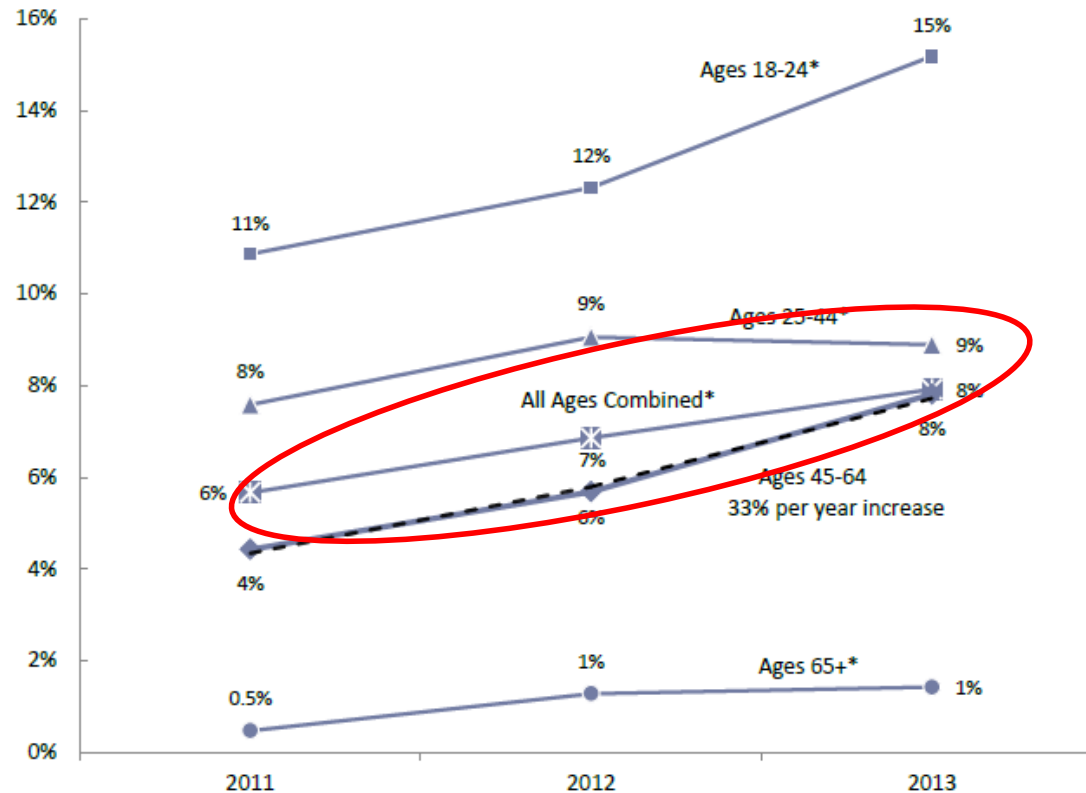




## 1.2 Current Use – Adults

In the Behavioral Risk Factors Surveillance Survey, respondents ages 18 and older are asked, “Have you smoked marijuana in the past 30 days?” With 15 percent responding “Yes” in 2013, those ages 18 to 24 are the most likely current users. There is a significant trend in increased use among those ages 45 to 64, from 4 percent in 2011 to 8 percent in 2013, equaling a 33 percent per year increase. No other trends were identified.

Source: Washington State Behavioral Risk Factors Surveillance System



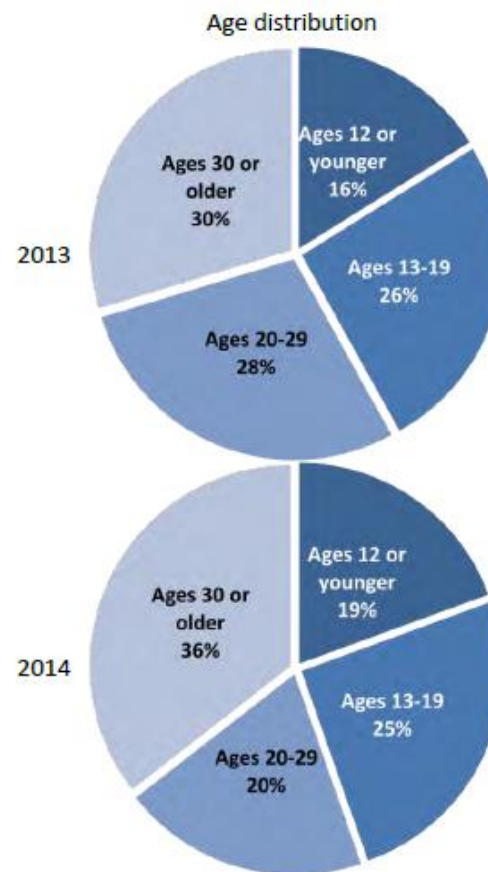
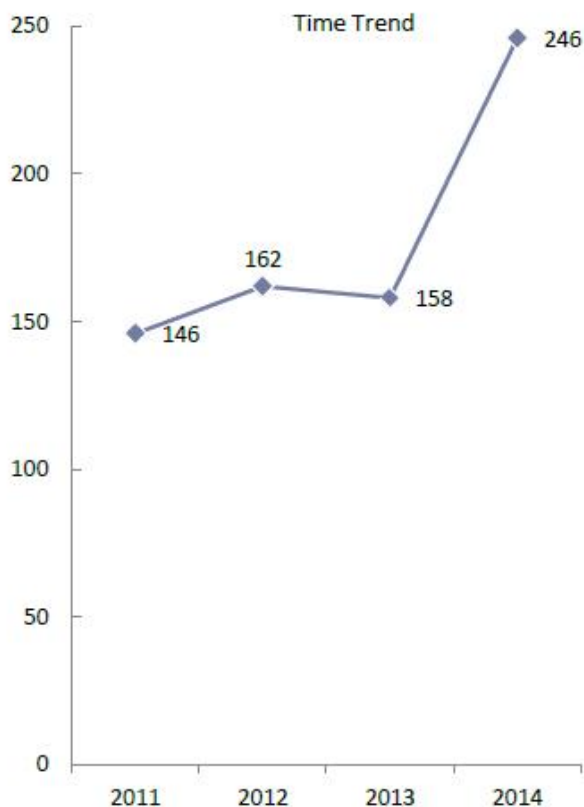
\* No significant trend



## 1.6 Poisonings

Marijuana-related calls to the Washington Poison Center were relatively constant from 2011 to 2013, but those calls increased from 158 in 2013 to 246 in 2014. The percentages of calls by age group were, however, similar in 2013 and 2014, especially when taking into consideration the relatively small numbers involved in 2013, with those ages 30 or older constituting the largest percentage and those ages 12 or younger the smallest.

Source: Washington Poison and Drug Information Center



## The view from 14,000 feet

**We know that the right policies can produce gains in population health**

**BUT**

**Little capacity to engage in any sustained, rigorous surveillance of policy at the local level (cities, counties, institutions)**



# Why Policy Surveillance?

**Longitudinal monitoring** needed to understand influence of local policy environment & develop evidence-based policies

Surveillance provides **multi-variable detail** – richer analysis than dichotomous (existence/non-existence)

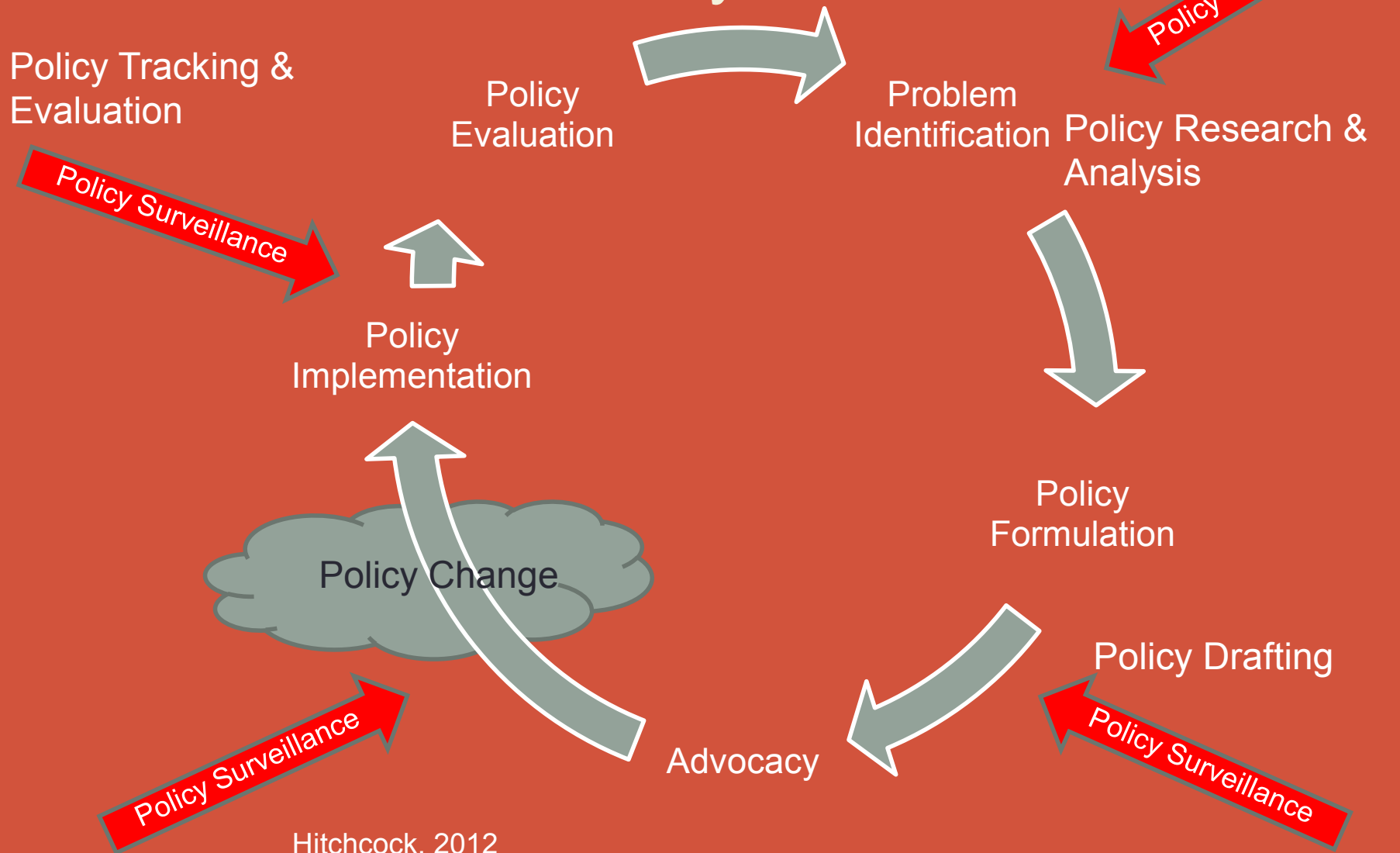
**Comparative analysis** during policy development and evaluation periods

**“Open Data”** supports enforcement/implementation

“Threading the needle with the right policies”



# Cycle of Policy Change: Value of Policy Surveillance





# Working Definitions of Policy Surveillance

- **Policy surveillance** = Systematic collection, compilation, measurement and synthesis of policies.
  - Form of public health surveillance
    - Ongoing, systematic collection, analysis, and interpretation of data in order to improve health and safety (CDC 1988).
- **Legal epidemiology** = scientific study of law as factor in cause, distribution and prevention of disease in a population (CDC 2015)

From the literature (Chriqui, 2010)

- Policy surveillance **system**:
  - Examines **changes in policies over time**
  - Can be **quantitative or qualitative**
  - Data tied to **specific reference date**
  - **Evaluation-oriented**
- Requires
  - **Systematic, reliable and valid methods**
  - **Understanding of nuances** associated with this type of research and how to accurately interpret the laws
- **Policy measurement... as much an art as science**

# Policy Monitoring vs Policy Surveillance

## Ad Hoc Comparative Policy Analysis

- Occasional
- Non-systematic
- List/Descriptive
- Example:
  - ❖ One-time report on Trans Fat and Menu Labeling Legislation

## On-Going Surveillance

- Regular Updates
- Methodological
- Comparative
- Can be quantitative
- Compare to population health surveillance



# Public Health Law

Office for State, Tribal, Local and Territorial Support  
Centers for Disease Control and Prevention

## State School Immunization Requirements and Vaccine Exemption Laws

State laws establish vaccination requirements for school children. These vaccination laws often apply not only to children attending public schools but also to those attending private schools and day care facilities.<sup>1</sup> State laws also offer exemptions to school vaccination requirements, including medical, religious, and philosophical exemptions or some combination of these exemptions.<sup>2</sup>

The Centers for Disease Control and Prevention's (CDC's) Public Health Law Program (PHLP) is compiling a list of state statutes and regulations regarding school vaccinations. This document summarizes state vaccination laws compiled in February and March 2015.

To provide updates to relevant immunization laws from your state, please email Aila Hoss at [ahoss@cdc.gov](mailto:ahoss@cdc.gov).

### State Laws Regarding Application of School Vaccination Laws in Different Settings

All states require children to be vaccinated against certain communicable diseases as a condition for school attendance.<sup>3</sup> In most instances, state school vaccination laws expressly apply to both public school as well as private schools with identical immunization and exemption provisions.<sup>4</sup> All states establish vaccination requirements for children as a condition for day care attendance.<sup>5</sup> These requirements also mirror the requirements for public school children and are often located in the same school vaccination provisions.<sup>6</sup> Appendix 1 lists PHLP's results to date regarding the application of state school vaccination laws to public schools, private schools, and day care facilities.

<sup>1</sup> See, e.g., Colo. Rev. Stat. § 25-4-901; Haw. Rev. Stat. § 302A-901; LSA-R.S. 17:170; McKinney's Public Health Law § 2164; NDCC, 23-07-17.1; Tenn. Comp. R. & Regs. 1200-14-01-.29; West's RCWA 28A.210.080.

<sup>2</sup> See, e.g., Ala. Code 1975 § 16-30-3; West's Ann. Cal. Health & Safety Code § 120365(a); HRS § 302A-1156; Neb. Rev. Stat. § 79-221; R.C. § 3313.671(4), (5); W. Va. Code § 16-3-4. Philosophical exemptions include exemptions based on philosophical or personal beliefs or allowing the right to decline an immunization.

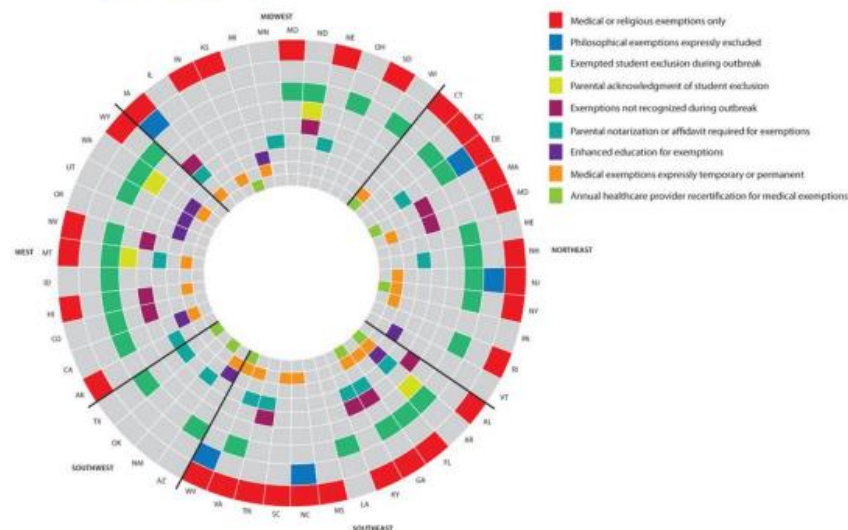
# One-Time Comparative Policy Analysis - Example

### State Laws Regarding School Vaccination Exemptions

State law not only establishes exemptions for school vaccination requirements but also establishes requirements regarding the exemption application process and the implications of an exemption in the event of an outbreak. This document and accompanying graph highlights the following nine attributes in school vaccination exemption laws:

1. Permitting medical or religious exemptions only
2. Excluding philosophical exemptions
3. Allowing exempted students to be excluded from school during outbreaks
4. Requiring parental acknowledgment during the exemption application process that exempted students can be excluded from school during outbreaks
5. Establishing that exemptions might not be recognized in the event of an outbreak
6. Requiring parental affidavit or notarization in the exemption application process
7. Requiring enhanced education on vaccinations in the exemption application process
8. Distinguishing between temporary and permanent medical exemptions in the exemption application process
9. Requiring annual or more frequent physician recertification for medical exemptions.

The appendices to this document explore some additional attributes in state laws that are not the primary focus of this document.



# National Policy Surveillance & Comparative Analysis Systems (examples)

## Ad Hoc Comparative Policy Analysis

- National Council of State Legislatures (many types of legislation tracked)
- ChangeLab Solutions
- Americans for Non-Smokers' Rights
- Municipal Research Services Center

## On-Going Surveillance

- Alcohol Policy Information System
- Public Health Law Research LawAtlas\*
- Others?

\*King County system interfaces with LawAtlas

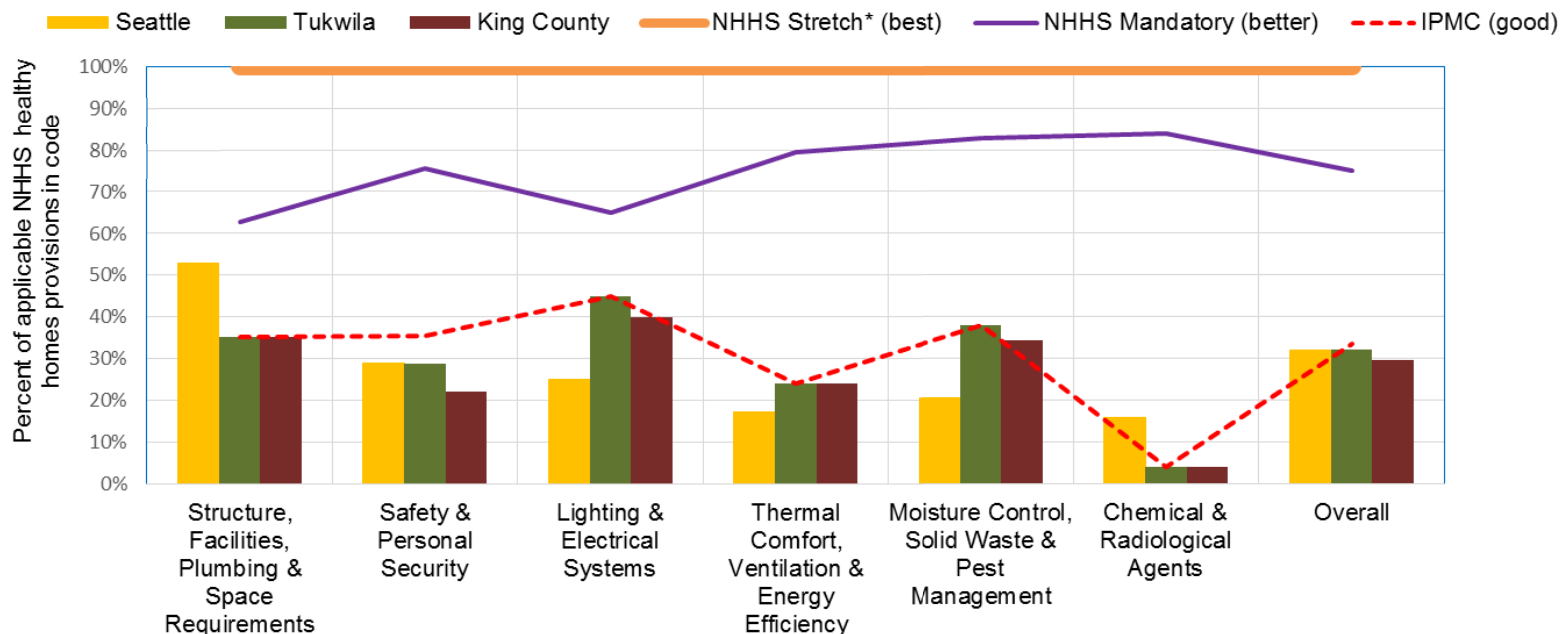


# Predicted Long-Term Benefits of Policy Surveillance

- Benchmarking
- Variation, monitoring of implementation
- Context for population health status, by jurisdiction/institution
- Context for policy, systems, environment work, including 'assets'

# Benchmarking Example – Local Healthy Housing Policy Surveillance Dataset

**Figure 1: Comparison of Seattle, Tukwila, and King County, WA code to IPMC and NHHS**



**Notes:**

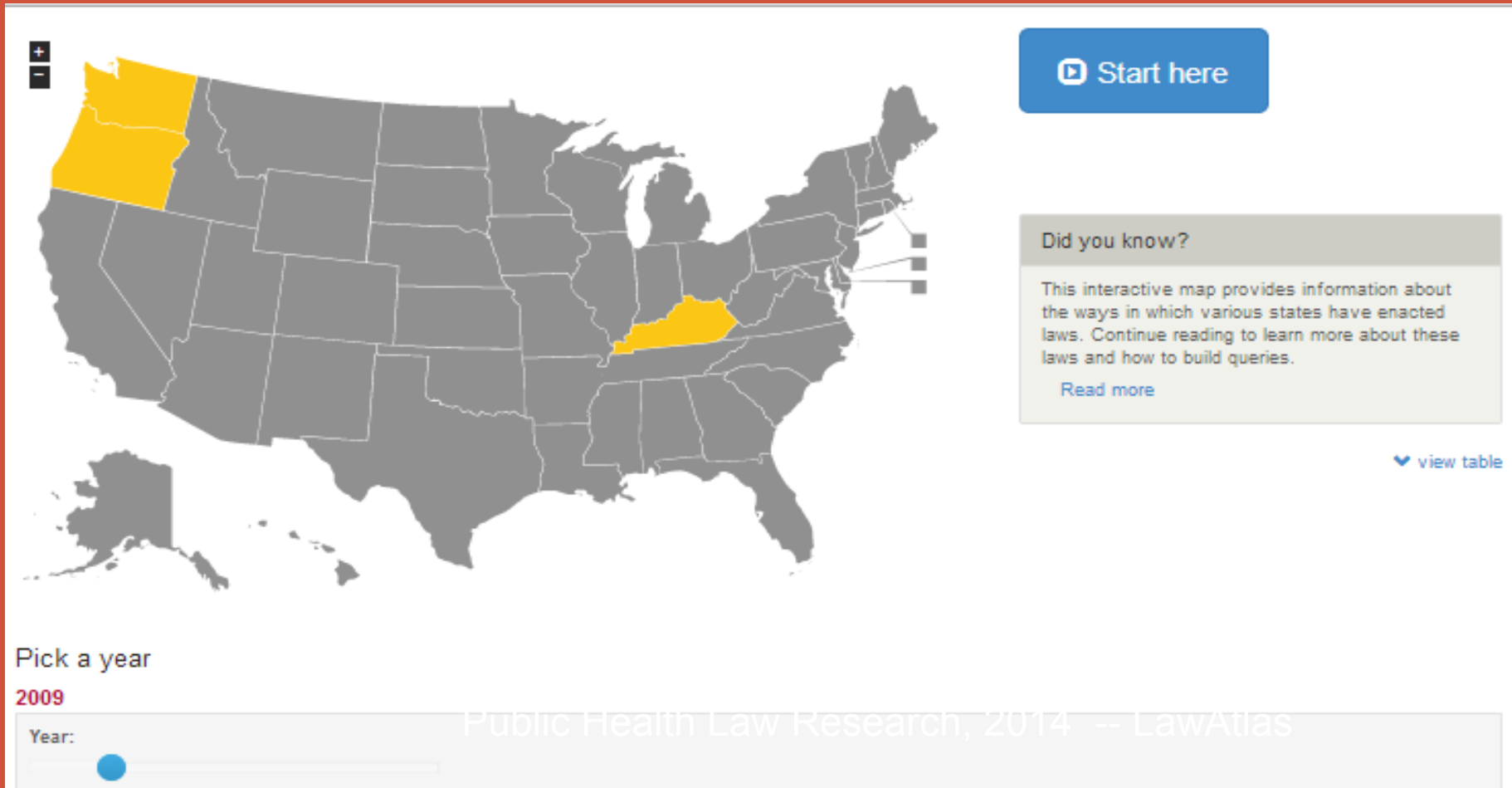
Percentages exclude those not applicable. See Tables 1 to 6 for details.

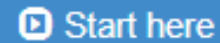
IPMC = International Property Maintenance Code (2015 version). See <http://shop.iccsafe.org>.

NHHS = National Healthy Homes Standard (2014 version)

\* "NHHS Stretch" includes mandatory and stretch provisions of NHHS.

National surveillance example: Since 2008, youth sport concussion laws have swept through state legislatures...



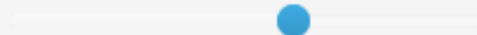


This interactive map provides information about the ways in which various states have enacted laws. Continue reading to learn more about these laws and how to build queries.

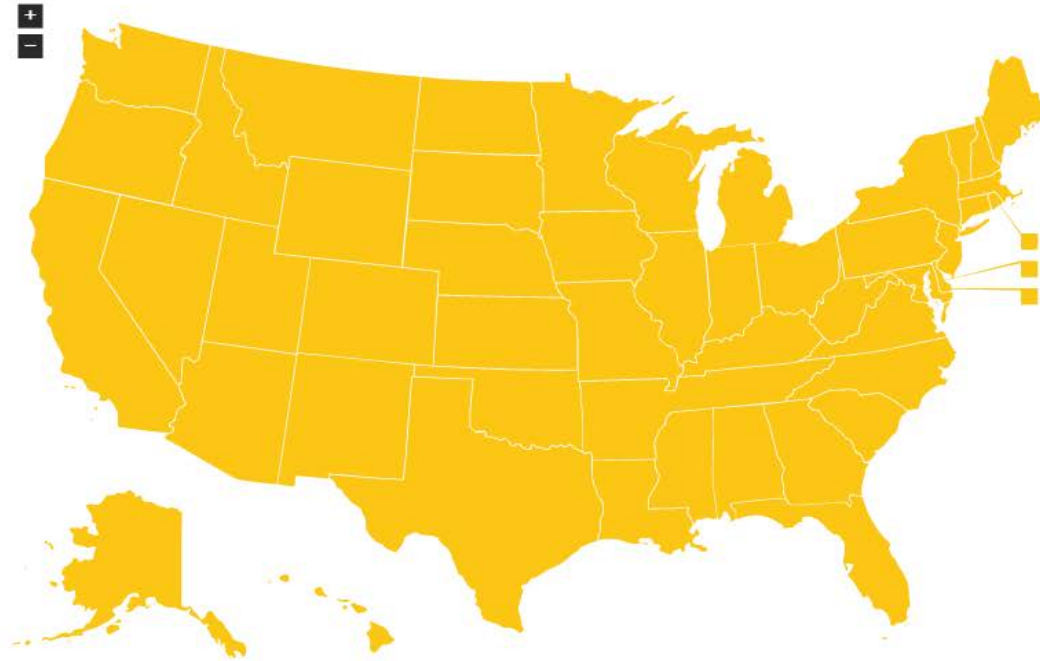
[Read more](#)[view table](#)

2011

Year:



# Since 2009...to all states by 2014.....



▶ Start here

#### Did you know?

In the past six years, every state and the District of Columbia has passed a law intended to protect youth athletes from repeat TBIs. The majority of these laws are structured following a three-tenet approach based upon the first youth sports concussion law passed in Washington.

[Read more](#)

[Download the Map](#)

Map Legend: State

[view table](#)

[share results](#)

Pick a year

**2014**



# “Pot-Friendly or Pot-Restrictive? Mapping Local Marijuana Laws in WA State

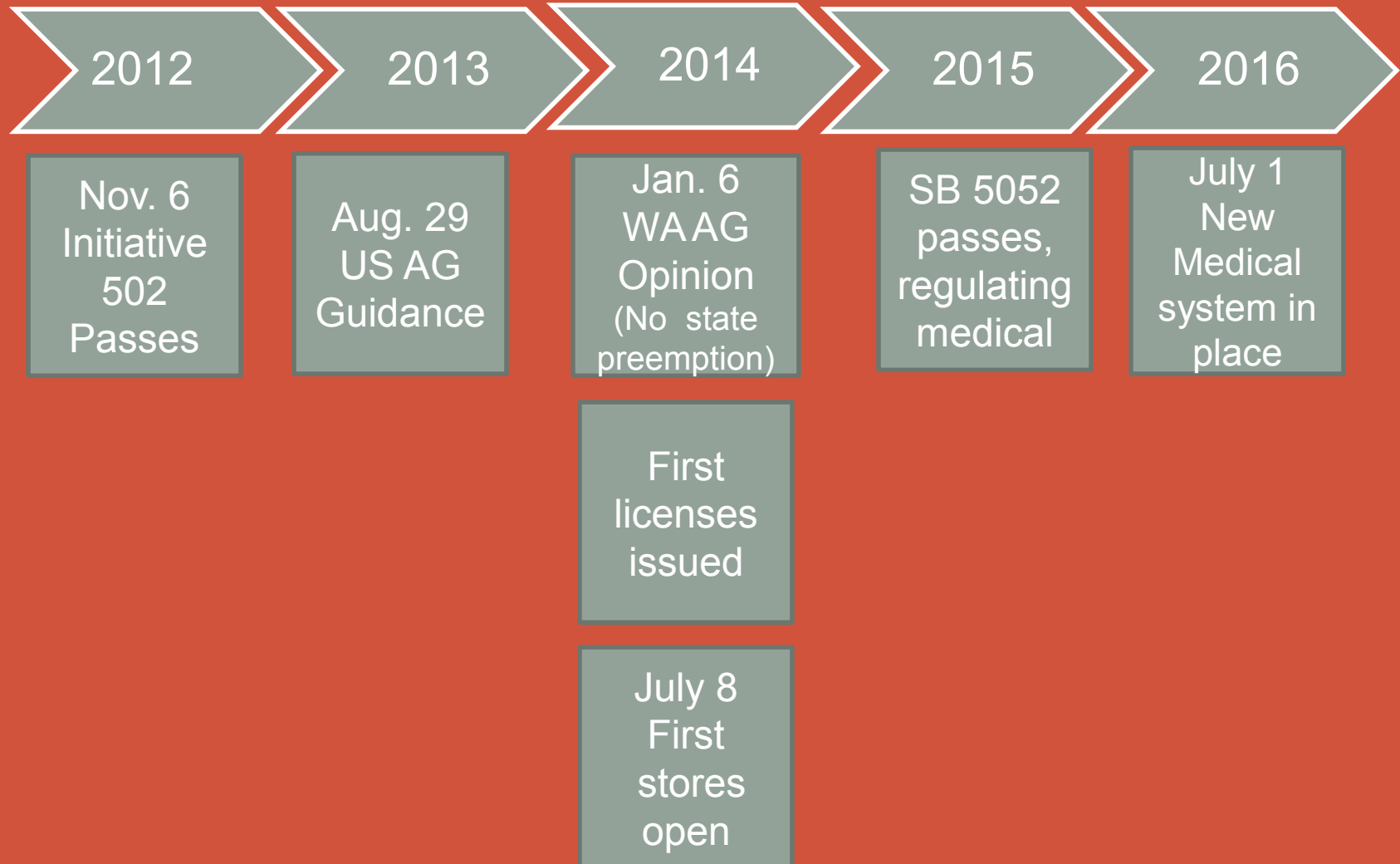
## Comparison Policy Study

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



A Robert Wood Johnson-funded project

# Washington State Marijuana Activities 2012-2016



# Methods

- **Develop Data Collection Protocol**
- **Search** for Ordinances (Online Codification Database)
- **Develop Codebook** (Iterative)/ **Coding Protocol**
  - Zoning Conversion Chart
- **Test Code**, Revise Codebook
- **Code** Ordinances w/Quality Assurance
- **Enter Coding** to PolicyTracker LawAtlas

# Data Collection Protocol

- 130 of 180 cities plus 39 counties
  - Search terms: “Marijuana” ; “Cannabis”
- Search Municipal Research Services Center  
<http://www.mrsc.org/codescombined.aspx>
- Search individual city websites
- General Google search
- Quality Assurance – direct validation w/some cities
- Exclusion Criteria: Cities >3000

# ....Statewide municipal code database



The screenshot shows the MRSC (Maine Rural Service Center) website. The header features the MRSC logo with the tagline "Local Government Success". Navigation links include "Blog", "Contact Us", and a "Have a Research Question?" link. A search bar is present with a "GO" button. A blue navigation bar contains links for "RESEARCH TOOLS", "EXPLORE TOPICS", "STAY INFORMED", "TRAINING", "PUBLICATIONS", and "ABOUT MRSC".

The main content area includes a large image of two hands shaking, with the title "Ethics and Conflicts of Interest" and a brief description: "With the election coming up, now is a great time for a refresher on what municipal officers can and can't do while in office. Our updated page on ethics and conflicts of interest provides a simple overview of prohibited uses of office and contract interests."

Other featured sections include:

- MRSC Insight Blog**: A post titled "The Importance of Bringing Your Sign Code Up-to-Date" with a "VIEW MORE BLOG POSTS" link.
- In Focus**: A post titled "The Challenges and Promise of Program Budgeting" with a "Back to top" link.
- Upcoming Training**: A post featuring an image of a gavel and a house, with a "Back to top" link.
- Ask MRSC**: A post titled "Does the town need to send proposed amendments to procedural development regulations to the Department of Commerce at least 60 days prior to adoption?" dated "October 26, 2015".



... and a few the old-fashioned way



# Codebook development

- What baseline? (No legal recreational pot – WA one of first 2)
  - Looked to alcohol literature
  - King County's work on identifying key public health issues
  - US Attorney General guidance
- Focus:
  - Youth access & exposure
  - Variation in medical store regulation
  - Equity, neighborhoods
  - Unique tools for local regulation (new? Taken from other industries, e.g., alcohol?)