



Local Control Options

for coalitions & policy makers to protect health and safety regarding marijuana

Johnny's Ambassadors
August 13, 2021

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Objectives for today's webinar:

- Considerations for coalition to discuss prior to pursuing local control policy options;
- Local government policy processes where marijuana policy options are determined;
- Specific local control policies that are grounded in public health and safety.



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TIP:

- Learn what policy mechanisms are available in your community and who controls them.
- Understand the procedures on how local ordinances move through the policy process where you live.



California's State Constitution grants local government *Police Powers* as the land use authority

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New Jersey Issues of Concern: Voids Existing Local Ordinances

• Currently at least 70 Cities, Townships, and/or Counties have existing ordinances that prohibit marijuana commercialization in some fashion.

- These ordinances pre-date state law;
- Will need to re-adopt those ordinances/regulations within 180-days to keep them;
- Or they will become void;
- Five year waiting period before amending local marijuana commercialization laws.

learnaboutnj.org/njm-statement-on-new-jersey-legislation-regulations-bill-being-signed-into-law/



In Morris County ordinances exist in the following Townships:

- Catham Township
- Chester Township
- Harding Township
- Parsippany-Troy Hills

Are they planning to re-commit their policy within the 180 days?

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Alabama (Medicinal)

- Localities required to "opt-in"
- Registered qualified patient = 19 years;
- Distribution, possession, manufacture or use of medical cannabis or products that has been diverted from patient, caregiver or licenses commercial industry is a Class B felony;
- Allows zoning restrictions by local governments.



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Factors to Consider

Community Readiness

- Is there an active drug abuse prevention/treatment, wellness or health-based coalition? (others?)
- Does that coalition have policy experience?
- Is there a local champion for your position? (Someone maybe with policy experience)



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Data Makes the Case: Keep it Local



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More Factors to Consider: Political Will

- Is there a council champion
- Is there already pressure from the marijuana industry
- Is the city/town financially stable
- Is consensus the norm or split vote (more contentious)
- What are professional backgrounds of council members
- Are there strong tobacco, alcohol or other substance use regulations



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One More Factor: A movement of the concerned



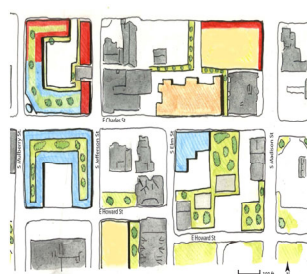
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Local Control: Not One Size Fits All

Communities are not all the same. What works in one community may not in another.

There are many factors to consider:

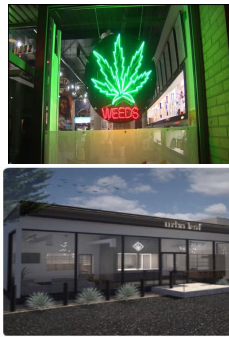
- Community readiness
- Political will
- Data to support the policy
- Stakeholders/leaders who care
- A movement of concerned citizens



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Policy Options:

- **Prohibit all commercial marijuana activities:**
 - Store fronts,
 - Cultivation,
 - Manufacturing,
 - Delivery,
 - Testing.
- **Using zoning to regulate**
 - Buffer zones
 - Sensitive uses
 - Residential
- **Signage & advertising**
 - Outdoor
 - Indoor with outward facing
- **Age restrictions**



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Zoning: Why its important

Not all businesses should be near housing, but some should.

Zoning helps define the relationship between different land uses and how the city's lands should be used.



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Local Ordinance Language is Easily Available

- Google <city name> municipal code

Search: **Marijuana Cannabis**

Click on it

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New Jersey

Article VII Zoning Regulation:

Prohibited Uses:

Where a use is not specifically permitted in a zone district, it is prohibited.

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Land Development & Zoning

What more do we learn here...

About smoke and vape shops?

About what types of marijuana businesses are not permitted?

About when these ordinances were adopted?

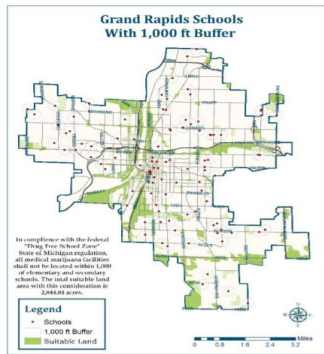
About the land use philosophy of elected leaders?



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Buffer Zones:**Ask for 1,000 ft. buffer for sensitive uses:**

- ✓ Residential use (not residential zone)
- ✓ Child care
- ✓ Drug treatment/recovery
- ✓ Parks
- ✓ Churches
- ✓ Others.....



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Policy Option:

- Restrict smoking lounges (canna-bars)
- Limit to narrowly defined zones (away from tourism)
- Limit hours

**How to prevent marijuana impaired driving?**

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More Policy Options

- Potency restrictions OR legal distinction
 - leaf marijuana/bud
 - Concentrates

NOTE: prevention coalitions and community groups need to understand the various products, their THC levels, how they are used and how they are marketed!



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More Policy Options: Local Ballot Measure

- Small group of community residents: parents, business owners, faith leaders, educators;
- Draft ordinance language (start with one adopted by other community)
- Draft ballot statements & secure signatories
- Circulate petitions to gather signatures (to qualify for the ballot);
- Draft voter education materials;
- Schedule voter outreach events, activities, neighborhood walks, phone calls; and
- Count your votes before they are cast.
- Celebrate victory!



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Signage & Advertising Restrictions

- ✓ Outdoor & indoor w/outward facing
- ✓ No pot leaves or green crosses
- ✓ No sandwich-board signage
- ✓ No sign-twirlers
- ✓ Cultivation sites should have not signage/ be nondescript



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Odor Control!

Regulations must be spelled out for retail, cultivation and manufacturing. If not, neighboring businesses will have serious on-going nuisance with no recourse but to move.



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Delivery: Think Bigger than Pizza Delivery



- ✓ Require delivery/mobile services be linked to a licensed “brick & mortar” store;
- ✓ Records be kept of age verification & available to law enforcement;
- ✓ Where can they park;
- ✓ Will customers come to the delivery bus; or
- ✓ Will it go to them?

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More on Delivery: IF city wants to allow

- ✓ All deliveries made by an individual person to an individual person.
- ✓ No deliveries made through the use of an unmanned vehicle.
- ✓ Delivery not to be made to any public or private school, day care center, treatment facility, youth center, youth-oriented business, public park, or private park.

In some states, delivery services cannot be prohibited from passing **through** a jurisdiction to reach a destination outside of a jurisdiction that does not allow delivery services.

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Cultivation

Avoid big agra business & mass cultivation:

- ✓ Where can cultivation occur (think: zoning)?
- ✓ How much cultivation can occur there?
- ✓ Who can work there (think: age)?
- ✓ What kind of signage can advertise there?
- ✓ What conditions are there on the building security?



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Personal Cultivation

- ✓ Plants must be grown in area out of view from neighbors.
- ✓ Plant must be grown in a secured/locked enclosure.
- ✓ Restrictions can be made to the total number of plants per household regardless of the number of individuals living in a residence.
- ✓ Landlords/property managers, can be prohibit renters from growing and using marijuana at rental properties; including apartment complexes and individual rental units.
- ✓ Restrictions on minimum age can be applied.



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Because: All politics are local so too the policy solutions

Reasons to stay local

1. Smaller jurisdiction = less industry lobbying
2. Smaller the jurisdiction = less influence by multiple large industry interests
3. Just because something works in a small jurisdiction, doesn't mean it will work statewide.

And of course....**MONEY!**
Pot industry \$\$



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Develop 5 Talking Points

- The pot shop next door is bad for community development. The smell of the marijuana alone drives out neighboring businesses! The clientele and atmosphere do not attract the family friendly upscale businesses most communities are looking for.

<https://www.nytimes.com/2018/12/19/us/california-marijuana-stink.html?fbclid=IwAR115VlQckTe8T16MISzAZ21LIEVck88UV5917LPX8nVnuXn73aZ6Q2A>



- Marijuana sales tax revenue will never sufficiently cover the costs associated with the negative impact it creates in your community! We only need to look at the cost of alcohol and tobacco.

<https://learnaboutsam.org/costs>

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TOP 5 Reasons to Opt-Out of Marijuana Commercialization

Marijuana sales tax revenue will never fully cover the negative impact it creates in your community! **Opt-out of commercialization!**

Marijuana is a cash based industry. Cash and drugs are guarded by guns. If you don't want more guns in your community—**opt-out of marijuana commercialization!**

Marijuana stores customers pay with cash. They arrive with a bag of cash and leave with a bag of drugs. If you think that makes them easy targets for crime - **opt-out of marijuana commercialization!**

The smell of the marijuana, alone, drives out neighboring businesses! If you don't like the smell of weed or want it infesting every nearby shop - **opt-out!**

If you don't want your town to be like this! Opt-out!

Pick YOUR Top 5:

- Source your data whenever possible
- Make them statements you can say without stumbling
- Make sure your coalition agrees with them
- USE them every chance you can:
 - Testimony at council
 - Speaking opportunities
 - Media: social, print, radio, TV
- Keep them simple, not hysterical

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Compliance

What will compliance look like?

- Fines
- Criminal or administrative

Who will carry out the compliance?

- Code enforcement
- Police

What is the local jurisdiction capacity for enforcement?

How will it be paid for?

Understand the compliance model before advocating for the policy.

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People of color are almost 6 times more likely to be arrested for all drugs, including marijuana, than white people.

Consider a different policy option, one that focuses on criminal justice reform & social justice.

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Policy Elements

- Age brackets (youth & adults)
- Fines for each offense (incremental)
- Minors required to appear w/adult
- Substance abuse prevention program
 - Differ for minors and adults
- Drug treatment assessment
- Drug treatment referral



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Though your state may have
legalized marijuana -

There is still much work to be done
in your community!

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Don't give up!

- Have a seat on the committee
- Speak to your elected officials,
at public meetings, planning
boards, community workshops
and school boards
- **Be a resource to your local
elected officials!**



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Thank you!

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