

# **The Medical Cannabis Advocate's Handbook**

## **PARTICIPATING IN IMPLEMENTATION**



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Policy implementation may be the most important and least understood part of the policymaking process. It is the process of implementation that will determine whether or not the goals of an adopted law will be realized. During this process, the various agencies responsible for control or oversight of the programs created by the law will sit down and write the rules of the game in consultation with engaged advocates. And, if you can help write the rules, you can help ensure that safe and legal access is successful in your location.

Some of the 15 states where the use of medical cannabis is authorized moved quickly to implement their laws. Others waited until much later to set up regulatory guidelines. Regardless of which path they followed, each state and the District of Columbia will be forced to deal with the implementation of their law at some point in time. The same is true at the local level. Cities and counties across the nation will have to adopt ordinances, guidelines, and procedures for implementing medical cannabis laws after they have been adopted.

Implementation is a long and expensive process. In California, where medical cannabis has been legal since 1996, ASA spent \$6 million over eight years to implement Proposition 215. This work cannot be overlooked. Good intentions are not enough to put medicine in patients' hands—it takes reasonable rules at each level of government. It is important for medical cannabis advocates to participate in this process. If we do not participate in implementation, poorly informed lawmakers or our opponents in law enforcement may use this part of the policy process to undermine safe access and other important legislative victories. The results can be devastating for patients.

Research conducted by ASA beginning in

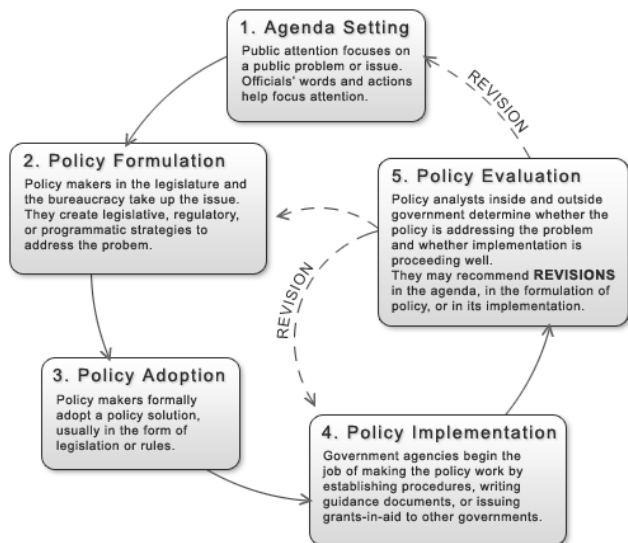
2005 shows that sensible regulations reduce crime and complaints around dispensaries. In "Medical Cannabis Dispensing Collectives and Local Regulation" (updated 2010, see Appendix), ASA reports that the experience of cities and counties with regulations in California is uniformly positive. For example, Oakland's city administrator for the ordinance regulating dispensaries, Barbara Killey, notes that, "The areas around the dispensaries may be some of the safest areas of Oakland now because of the level of security, surveillance, etc...since the ordinance passed." That experience is echoed in other jurisdictions.

Advocates, police officers, and lawmakers will likely agree that regulations are necessary. But you probably will have very different visions about what those regulations should say. Activists who want to participate in developing and implementing regulations will need to get educated about policies and solutions, learn the process, and be prepared to plug in when it is appropriate.

## LEARNING ABOUT LOCAL REGULATIONS

If your state, county, or city has already adopted regulations, it is important to understand what those regulations say. To understand regulations, it is important to understand provisions of the statute (or law) that defer guidance to administrative agencies (like the Department of Health or Zoning Department). Don't be intimidated by legalese or unfamiliar language. Go slow, take notes, and look up words or phrases you do not understand. Many laws refer to other sections of code. Look out for phrases like, "except as specified in Section XXX" or "pursuant to the guidelines in Subchapter XXX." These phrases may modify or qualify what you are reading, so you may have to dig a little deeper to get all the nuances of the regulations.

Most jurisdictions have their laws online, where they can be easily searched for the phrases "medical marijuana" or "medical cannabis." At the state level, laws are typically referred to as statutes. Cities and counties usually call laws code—i.e. County Code or Municipal Code. Of course, the standards can vary from place to place. You will find that written law is usually divided into broad topical sections—health and safety, zoning, environment, etc.—and then into numbered subsections or subchapters. California's Medical Marijuana Program Act of 2003 (Senate Bill 420) is codified as Health and Safety Code Section 11362.7, and contains numerous subsections and smaller division.



Always read the introductory sections of the law. Sometimes called the "legislative intent," these comments provide insight into what lawmakers intend to accomplish with a statute. The intent may be written in paragraph form or as a series of "Whereas" and "Resolved" statements explaining the lawmakers' rationale. You may also want to look up any supporting documents that influenced the legislation. Staff reports and memos can help shed light on what a law means.

Sometimes laws are so complicated that a layperson simply cannot make sense of them. If you find yourself in this position, have a look at media reports on the bill's adoption or

other non-government documents. You can also contact government officials to ask for help. Staff of elected officials may be able to point you in the right direction. Be sure to search online for any comments or analysis as well, being sure to consider the integrity of the source.

You can also contact ASA to use resources like our new Policy Shop. Email [info@safeaccessnow.org](mailto:info@safeaccessnow.org) or call toll free (888) 929-4367.

## OPPORTUNITIES FOR PARTICIPATION

There are many ways in which a medical cannabis advocate can participate in developing, adopting, or improving regulations. To find the best place to plug in, you will want to pay attention to the agendas of elected bodies and where they are in the process. Many elected bodies have agendas published online, and you can increasingly subscribe to email lists and RSS feeds to stay up to date. If the jurisdiction with which you are concerned is not yet debating medical cannabis, it may be up to you to get the ball rolling.

Some opportunities for participating in implementation include:

1. Write to administrative officials with your suggestions about what should be included in medical cannabis regulations. Remember that it is best to bring solutions instead of only finding fault. Additionally, most agencies have feedback forms that can be found online.
2. Ask for a meeting to discuss your opinion in person with administrative officials or their staff. Do not be reluctant to speak with staff. They are very important parts of the process. A well informed and friendly staff person can be a valuable asset.
3. Provide rational and constructive feedback—including solutions—for regulatory proposals. Be sure to do this early enough in the process so that elected officials can read and consider your comments. Submitting comments at least a week in advance is best. Then you

can reinforce your comments at a public meeting when medical cannabis is on the agenda.

4. Volunteer to work on groups and task forces. There are often opportunities for stakeholders to sit on ad hoc committees that discuss medical cannabis policies. This is a great chance to educate government staff and officials and the reports or opinions of these committees carry considerable weight in public discourse. Ask your representative if there is a medical cannabis committee or if he or she would like to establish one.
5. Reach out to allies and likely supporters in the community. You can speak with friends, relatives, coworkers, and church members about the benefits of regulation. You may also want to reach out to neighborhood groups and other civic organizations to build support.
6. Join or start a local ASA Chapter or Affiliate to build community support for sensible regulations.

## **DOS & DON'TS FOR PARTICIPATION**

### ***DO...***

- Take initiative and be proactive
- Engage your elected officials and staff
- Engage administrative officials and staff
- Participate in the process as early as possible
- Be credible
- Bring solutions to the table
- Be friendly and professional
- Cooperate with allies

### ***DON'T...***

- Wait until the last minute to get active
- Only complain about what others propose
- Antagonize opponents or elected officials
- Rant and rave, get off topic, or exaggerate
- Make unfounded accusations