

Governor's Marijuana Advisory Commission
Vermont State House, Montpelier, VT
11/14/2017, 1:00 PM

- call meeting to order, quorum reached
- went around room for introductions
- 6 weeks since first meeting
- Subcommittees are making significant progress
- *Note – reports are not to suggest policy direction, just presentation of findings

2) Presentations of Reports on Existing Primary Research on Key Health and Safety Endpoints

Dr. Mark Levine, Commissioner of Health & Chair of the Education and Prevention Subcommittee presentation:

- Overview of final conclusions
- Evidence-based data
 - o Described the levels of evidence and what each means
- Process of getting report
 - o VDH Health Impact Assessment - annual
 - o National Academy of Medicine – Health Effects of Cannabis & Cannabinoids (2017)
 - o Extensive medical literature review
 - o VT statistics
 - o Committee discussion, review of final report
- Review of statistics
- Injury & Death (tasked with in EO)
 - o Limited evidence to support or refute a statistical association between cannabis use and:
 - All-cause mortality
 - Occupational injuries
 - Deaths due to cannabis overdoses
 - o Moderate evidence for cannabis use and
 - Fatal car crashes
- Moderate evidence for concerning increasing use among pregnant women
 - o Insufficient evidence for association between maternal cannabis use and long-term offspring outcomes
- Substantial evidence for cannabis use frequency and development of cannabis use disorder
- Moderate evidence for association between cannabis use and development of alcohol use disorder
- Limited evidence for association between cannabis use and development for opioids use disorder

Open floor to questions:

- Tom Little asked about clarification of relationships between Marijuana and other things?
 - o Used the word “Association” – like correlation, not always implying cause & effect
- Joe Benning asked about marijuana related emergency room admissions, ER reports whether or not alcohol is present, is marijuana noted? Is this information on marijuana related admissions or admission where marijuana was also present?
 - o Marijuana presence must be substantial enough to warrant a code to be included in a report
 - o Marijuana code used since early 2000s, Dr. Levine believes
- Kaj Samsom asked about the relationship between marijuana and suicide/schizophrenia etc... and when those who are pre-disposed self-medicate with marijuana
 - o When people with anxiety start using marijuana, there is a noticeable uptick in psychosis
- Ann Pugh asked for clarification – understands there’s an innate risk factor of being a young adult to being anxious
 - o Medical event – psychosis is different than a mental illness
- Joe Benning – asked for further clarification
 - o no way to conclude that it was marijuana that lead to the broken leg or that it was someone who was using marijuana who broke their leg, but marijuana must be substantive enough for the clinician to note marijuana in paperwork
- Joe Benning – is there co-coding in this data? (marijuana + alcohol or others)
 - o Data only looks at marijuana, other codes could have been present, but that data wasn’t looked at
- Any data found on Adderall/other prescription use?
 - o No

Thomas Anderson, Esq., Commissioner of Public Safety & Chair of the Roadway Safety Subcommittee presentation:

- Causation was somewhat of a challenge on statistics, like with Education and Health Subcommittee, tasked with looking at injury & death and crime rates
- Created 2 study groups
 - o Motor vehicles injury & death
 - o Crime rates
- 1) Motor Vehicle injuries & deaths:
- Substantial evidence of a statistical association between cannabis use and increased risk of motor vehicle crashes
- Acute cannabis intoxication “is related to a statistically significant risk increase” for motor vehicle crashes, and “the increase is of low to medium magnitude”
- Roughly 20-30 % of traffic crashes involving cannabis use occur because of the cannabis use
- Despite the variability in results, this research has demonstrated the potential of marijuana to impair “driving related skills”

- Study results “indicate that the risk of crash initiation from concurrent use of alcohol and marijuana among drivers may increase by more than fivefold when compared with drivers who test negative for alcohol and marijuana”
- The risk of a motor vehicle crash increases among drivers with recent marijuana use
- Using marijuana and alcohol together increases impairment and the risk of a motor vehicle crash more than using either substance alone
- Three years after recreational marijuana legalization, changes in motor vehicle crash fatality rates for Washington and Colorado were not statistically different from those in similar states without recreational marijuana legalization
- In Colorado: Marijuana-related traffic deaths when a driver tested positive for marijuana more than doubled from 55 deaths in 2013 to 125 deaths in 2016
- In the year 2014, “the number and proportion of drivers in fatal crashes who were positive for THC were both more than double the averages from the prior four years”
- VT Crash data – of 2017 fatal crash data, of the 16 operators with alcohol & drugs alone in their system, 11 were positive for active cannabis
 - o Only driver fatalities included, does not include passenger deaths
- Jump from 71 crashes to 91 after decriminalization of marijuana
- 2) Do crime rates increase or decrease when marijuana is decriminalized?
 - o not enough data available on this:
- there was a statistically significant increase in burglaries and robberies in the 5 years following depenalization of marijuana
- public comment: important to note that categories of crimes are different all over the country
- public question: difference between depenalization & decriminalization?
 - o Penalization involved fines
 - o For the purpose of discussion, used data from both because there’s so little evidence available
- In Colorado, juvenile marijuana arrests have increased 5% from 3,235 in 2012 to 3,400 in 2014
- Colorado officials strongly suggest that we start collecting data now
- US Postal Inspection Service reported an increase in the number of parcels containing marijuana mailed from Colorado to another state from 158 in 2012 to 854 in 2016.
- In Denver, unlawful public display/consumption of marijuana increased from a pre-legalization low of 8 incidences in 2012 to 590 in 2016.
- Note: presentation is only a summary of the report

Open floor to questions:

- Tom Little: Legalization terminology is used loosely and to describe difference scenarios, what was Roadway’s experience with what legalization meant in the data?
 - o Most of the reports looked at dealt with Colorado & Washington DC and their experiences based on their legalizations (homegrown vs retail sale)
 - What do we see when it’s legalized

- Ann Pugh: VT data on crashes is very concerning. Needed clarification on what data shows, did the number of crashes in VT increase as well?
 - o VT total numbers are relatively consistent around 12,000ish annually
- Mark Levine: data on operators on marijuana? THC notation refers to presence or not vs levels?
 - o Based on Washington: before legalization, there was a flat number of users testing positive for marijuana, with a 9% annual uptick after legalization
 - o Data mostly shows present/not present
- Currently there is no convenient, effective way to measure Delta-9 THC levels in blood, no agreement on how/where to test
- Joe Benning: noted that there was an increase in population in Denver, which could have an effect on the number of crashes that occur there.
 - o Making a reasonable determination, based on crash data, you can see that marijuana use on the roadways leads to a noticeable increase in crashes
- Kaj Samsom: was there a formal increase in focus by law enforcement on marijuana?
 - o Unsure
 - o Tom Anderson reasserts that getting baseline data on the front end is critical
- What counts as statistically significant?
 - o Based on what each of the individual reports determines
- Uptick in burglaries related to marijuana? Maybe opioids?
 - o Maybe. Data just reflects numbers. Causation is difficult to determine.

The commission needs to take time to review reports before any recommendations or decisions are made.

3) Status reports/updates from Subcommittees:

Kaj Samsom chair of Taxation & Regulation Subcommittee:

- Have had several meetings
- Toured a dispensary in Milton
- Department of Financial Regulation discussion
- Looked at tax and regulate bills
- Looked at control models for marijuana
- Looked at concerns/challenges municipalities have if tax and regulate system was introduced
- First deadline is Jan 15th
- Next meeting will look at
 - o Perspectives from legalization advocates
 - o Business, employer concerns

Dr. Mark Levine chair of Education and Prevention Subcommittee:

- Still need to look at information on edibles
- Need to look at information on potency
- Marijuana has changed, THC levels higher now
- Frequency of use among age groups
- Get input from Colorado & Washington on what they wish they had done differently

Public request: look at Oregon rules

Tom Anderson chair of the Roadway Safety Subcommittee:

- Have a national expert coming in
- Testimony on roadside testing
- Plan to have a team from Colorado come speak

5) Review next steps with emphasis on January 15, 2018 Report

Run-through each subcommittee's responsibilities for January 15 reports from the EO:

- Taxation & Regulation
 - o Examine #9 – adequacy of funding
 - o #11 – insurance/miscellaneous issues
 - o #8 (with roadway safety) – feasibility on impairment standards
- Roadway Safety
 - o #8 (with tax & regulate) – feasibility on impairment standards
 - o #5
 - o #6
 - o #7
 - o #10
 - o #11
 - Local zoning and search & seizure
 - Marijuana storage
 - o #12
- Education & Prevention
 - o First 4 items
 - o # 12 – changes to VT law protecting those under 20 years old, feedback

Aim to have a meeting in December, and one in early January

- Maybe hold one in southern VT

Adjourned full meeting 3:06 pm, convened subcommittee informal discussions

Commission Members in Attendance:

- Jake Perkinson, Co-Chair
- Tom Little, Co-Chair
- Tom Anderson, Commissioner of the Department of Public Safety
- Kaj Samsom, Commissioner of the Department of Taxes
- Anson Tebbetts, Secretary of the Agency of Agriculture, Food and Markets
- Representative Ann Pugh
- David Scherr, Assistant Attorney General
- Dr. Mark Levine, Commissioner of the Department of Health
- Senator Joe Benning
- Michael Schirling, Secretary of the Agency of Commerce and Community Development