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# Why marijuana policies in Massachusetts aren't strict enough

The ensuing problems will cluster among young people, low-income communities, and people with existing mental health problems.





ADOBE STOCK

**By Timothy Naimi** JUNE 20, 2018

Until now, recreational marijuana use policies in Massachusetts have been tipped in favor of the increasingly powerful marijuana industry. But there is still time for public officials to act on behalf of the majority of Massachusetts citizens who don't (and won't) use marijuana even when it's legal — and to better safeguard the well-being of those who do (and will) use it. Unfortunately, many important areas of recreational marijuana policy are lax, while others aren't covered at all by existing laws and regulations.

One critical policy area that was initially proposed by the state's Cannabis Control Commission — and will be revisited later this year — is allowing public establishments where marijuana can be consumed on-site. This could include places like pot bars, movie theaters, yoga studios, and massage parlors. Allowing on-premise consumption



will make marijuana use more visible, socially acceptable, and glamorous to youth. Research shows that cigarette smoking in bars and restaurants played a major role in the normalization of tobacco use. After smoking in bars and restaurants was prohibited, there was a substantial reduction in youth smoking statewide.

Smoking marijuana in public is an in-your-face dimension of recreational marijuana that exceeds the implied intent of Question 4, the 2016 state ballot question that legalized cannabis for adult use. If approved, Massachusetts would be the first in the nation to allow social consumption of marijuana in licensed establishments statewide. On-premise consumption would also increase the risk of marijuana-impaired driving by shifting more pot use to public locations. Patrons of these establishments would likely drive home when levels of THC the most important intoxicating chemical in cannabis — will be highest. (Although THC can last in the blood for days, levels are generally highest from 30 minutes to two hours after smoking.) Multiple studies have found that marijuana use approximately doubles the risk of car crashes and increases the risk of alcohol-related crashes among those who have also been drinking.

To complicate matters, while .08 percent is the legal blood alcohol maximum for driving, the state has yet to establish such a threshold for THC limits, or a reduction in permissible blood alcohol concentration among those with positive THC levels. Further, the state has yet to address specific penalties for retailers selling marijuana to people who are already intoxicated, as we have for alcohol sales.

Another issue that will be up for debate again is whether to allow people to sell marijuana on the Internet or have it delivered to their homes. Monitoring and enforcing marijuana regulations at home and online will be difficult. Home delivery may also make it easier to avoid tax payments, particularly for sellers without a brick-and-mortar presence, or those who skirt federal laws and deliver outside of the state.

Existing marijuana rules leave much to be desired, too. Though people will be limited to buying one ounce of dried cannabis at a time, weight limits are almost meaningless in an era when potency — or the percent of THC in the cannabis plant — can exceed 30 percent, resulting in much stronger marijuana than what was smoked decades ago. To reduce the risk of psychosis and severe marijuana intoxication, even Amsterdam limits marijuana sales to products with a potency of less than 15 percent.

While the law does limit the amount of THC in individual edible servings, there are no limits on how much total THC can be purchased or possessed in the form of marijuana edibles, oils, or extracts.

Although taxes were raised by the Legislature after the marijuana ballot initiative, Massachusetts will still have one of the lowest tax rates among states with legalized recreational use. And there are no set minimum prices or explicit restrictions on price discounting, such as low-priced weed samples for new users or all-you-can-use pot for a single price.

Another problem is the lack of state-level restrictions on the number of permissible marijuana sales outlets or the hours during which marijuana can be sold. For alcohol sales, these restrictions are among the most important state-level policies that regulate widespread availability. Cities and towns whose citizens initially voted in favor of Question 4 and don't want to house marijuana establishments are required to opt out using cumbersome referendum procedures. After pushback from lawmakers earlier this year, the commission agreed to delay its original plan to license on-site marijuana establishments and delivery services. It plans to revisit these issues by October 31 and to adopt new regulations by early 2019.

So far, the drivers of recreational marijuana policy seem determined to sell as much marijuana in as many forms as

possible, without safeguards. For a state known for education, science, and health care, that's a short-sighted gamble, and its adverse effects and costs will cluster among young people, low-income communities, and people with existing mental health problems. Massachusetts is already racked with substance use problems; there is still time for the commission or the Legislature to remedy the gaps in marijuana regulation. They should certainly not make things worse by introducing pot bars and home delivery.

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