

If legalizing pot, consider health, not profits, analysis says

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Credit: University of California, San Francisco

A new analysis of marijuana legislation offers a framework for states that are considering legalizing the drug and want to protect public health, rather than corporate profits.

The policy analysis by researchers at UC San Francisco is intended as a roadmap to help prevent a legalized [marijuana](#) industry from becoming a new version of the tobacco or alcohol industries, replete with aggressive

marketing and political strategies to protect their economic interests.

Policymakers Could Learn from Alcohol, Tobacco

The paper draws upon historical accounts from tobacco and alcohol control to conclude that policymakers could learn from those regulatory lessons to shape marijuana laws that would minimize consumption and protect the public. In such a process, marijuana would be treated like tobacco, not alcohol, and would be subject to a robust, demand reduction program, using evidence-based strategies from tobacco control.

"Current state [marijuana laws](#) and pending legalization initiatives are modeled on U.S. alcohol policies, which prioritize commercialization and tax revenue generation at the expense of [public health](#)," said lead author and UCSF policy analyst Rachel Barry, MA, who is now a doctoral researcher at the University of Edinburgh's Global Public Health Unit.

"Without effective controls in place," Barry said, "it is likely that a large marijuana industry, akin to tobacco and alcohol, will quickly emerge and work to manipulate regulatory frameworks, while using aggressive marketing strategies and product design technology to increase and sustain use, with a corresponding increase in social and health costs."

The paper will be published Sept. 27, 2016, in the policy forum section of *PLOS Medicine*.

Four states currently have legalized the production and distribution of retail marijuana: Colorado, Washington, Alaska and Oregon. Legislation is pending on the 2016 ballots in California, Arizona, Nevada, Maine and Massachusetts.

What A Public Health Structure Could Be

Under a public health framework, a jurisdiction's health department would be the lead agency and would have a mandate – as tobacco does – to protect the public by minimizing all use, not just youth use. The health department would implement policies to protect nonusers, prevent the start of marijuana use, and encourage users to quit, as well as to regulate the manufacturing, marketing and distribution of marijuana products, the researchers said.

Barry was a researcher at the UCSF Center for Tobacco Control Research and Education, and the Philip R. Lee Institute for Health Policy Analysis during the study. She noted that none of the four states that have legalized retail marijuana so far has assigned such a role to the health department.

Additionally, a public health structure could include:

- Advisory committees comprised solely of public health experts, not marijuana industry representatives;
- A single regulatory system – not dual medical and recreational markets with different rules—to avoid regulatory complexity favorable to corporate interests;
- Taxes that fully cover regulatory and health costs, as well as earmarked revenues for broad-based marijuana prevention and control, and research programs;
- A mass media education campaign aimed at the general population, not just youth;
- Smoke free laws that would prohibit public use of marijuana and indoor use in marijuana retail stores with marijuana use prohibited where tobacco smoking and e-cigarettes are prohibited;
- Prohibiting cartoon characters; sports and cultural event

sponsorship; therapeutic claims; advertising on television, radio or billboards; and product placement.

The paper points to evidence that marijuana use is "not harmless." The risk of developing dependence is substantial, wrote the authors, and marijuana smokers are at increased risk of respiratory disease, impaired vascular function and adverse cardiovascular outcomes. Other health risks tied to use include long-lasting, detrimental changes in cognitive function, poor educational outcomes, and accidental swallowing by children, the paper reported. Additionally, marijuana smoke has a similar toxicity profile as tobacco smoke and has been identified as a cause of cancer by the California Environmental Protection Agency.

"A good way for governments to legalize marijuana while avoiding commercialization would be to implement a state monopoly for production, distribution and sales," said senior author Stanton A. Glantz, PhD, UCSF professor of medicine and director of the UCSF Center for Tobacco Control Research and Education. "The state would have control over access, price, product characteristics and, most important, could refrain from marketing that promotes increased use."

"A key goal of the public health framework would be to make it harder for a new, wealthy and powerful marijuana industry to manipulate the policy environment and thwart public health efforts," Glantz said.

More information: Rachel Ann Barry et al. A Public Health Framework for Legalized Retail Marijuana Based on the US Experience: Avoiding a New Tobacco Industry, *PLOS Medicine* (2016). [DOI: 10.1371/journal.pmed.1002131](https://doi.org/10.1371/journal.pmed.1002131)

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