

RECREATIONAL MARIJUANA: GROWING HEALTH CRISIS FOR SACRAMENTO COUNTY YOUTH?

SUMMARY

The 2018-2019 Sacramento County Grand Jury investigated Sacramento County's response to the legalization of marijuana with respect to youth and youth services. This report examines the marijuana education and prevention strategies of the Sacramento County Department of Health Services, the Sacramento County Office of Education, and Sacramento County's School Districts.

The investigation found that although many prevention programs and partnerships have been developed to date, additional needs for youth services continue to be identified.

This Grand Jury Report recommends a unified county-wide approach to address the safety and health of our youth. This includes an increased focus on partnering, funding and the development of educational programs that would benefit all youth and their families throughout Sacramento County.

BACKGROUND

Voters in California passed Proposition 64 (Prop 64), the "Adult Use of Marijuana Act" in 2016. Prop 64 legalized the recreational use of marijuana. Retail sales began in January 2018.

The legalization and retail sales of recreational marijuana are still relatively new; harmful youth impacts are just emerging. The Grand Jury found limited data regarding usage trends since the passage of Prop 64 but results from the *California Healthy Kids Survey* (CHKS), coupled with anecdotal reports, indicate that marijuana usage among youth has increased. The surveys indicate that alcohol and marijuana are the primary drugs of choice for youth.

Marijuana potency has more than tripled since the 1980s. Access to marijuana and marijuana products has increased with more conspicuous means of consumption, such as vaping pens and edibles. The health concerns for youth and their developing brains continue to be studied but potential adverse ramifications to youth health are high.

METHODOLOGY

The Grand Jury interviewed individuals from the following agencies:

- City of Sacramento, Office of Cannabis Policy and Enforcement
- Sacramento County Department of Health Services
- Sacramento County Office of Education
- Elk Grove Unified School District
- Sacramento City Unified School District
- San Juan Unified School District

The Grand Jury reviewed information at the following websites:

- Bureau of Cannabis Control, www.bcc.ca.gov
- California Cannabis Portal, www.cannabis.ca.gov
- California Department of Education, *Adult Use of Marijuana Act*, www.cde.ca.gov/
- California Department of Food and Agriculture, www.cdffa.ca.gov
- California Department of Health Care Services, www.dhcs.ca.gov
- California Department of Public Health, *Let's Talk Cannabis*, www.cdph.ca.gov
- California School Climate, Health and Learning Surveys (CalSCHLS), California Healthy Kids Survey (CHKS), www.calschls.org/reports-data/dashboard/
- Drug Policy Alliance, www.drugpolicy.org
- Smart Approaches to Marijuana (SAM), www.learnaboutsam.org
- Substance Abuse and Mental Health Services Administration (SAMHSA), www.samhsa.gov

The Grand Jury reviewed the following materials:

- *Sacramento City Council Cannabis Workshop*, August 9, 2018, power point presentation
- Sacramento City cannabis report: revenue, expenditures, staffing, December 2018
- Alcohol and Drug Services Brochures: Alcohol and Drug Prevention, Youth Treatment Services, Options for Recovery, and Adult System of Care
- Sacramento County Alcohol and Drug Services Overview, power point presentation
- “*Sacramento County Coalition for Youth, Action Plan, Creating Community Action to Prevent Youth Alcohol Use*”, June 2016.
- ASAP Project (Alcohol & Substance Abuse Prevention)
- Sacramento County Youth, Marijuana Prevention Campaign, “*Future Forward*”
- *Healthy Kids Survey 2015-2016, Healthy Kids Survey 2017-2018*, Elk Grove Unified School District
- *Healthy Kids Survey 2014-2015, Healthy Kids Survey 2016-2017*, San Juan Unified School District
- *California Cannabis Advisory Committee, 2018 Annual Report*

DISCUSSION

Proposition 64 and Youth Protections

In 1996, California passed Proposition 215, the “Compassionate Use Act”, which legalized the use of medical marijuana.

In 2016, California passed Prop 64, which legalized the recreational use of marijuana. While the possession and consumption of marijuana became legal immediately, retail sales of recreational marijuana did not start until the state began issuing licenses in January 2018.

The legal age for recreational marijuana use in California is 21. People age 18 and over may use marijuana with a medical prescription.

Effective January 1, 2018, Prop 64 imposed a cultivation tax on all harvested marijuana and a 15% excise tax on the purchase of medical and recreational marijuana. This tax is in addition to regular state and local sales taxes.

Prop 64 includes a number of measures designed to protect youth, such as:

- Funding for youth services through the “Community Reinvestment Fund” and the “Youth Education, Prevention, Early Intervention and Treatment Account”
- Packaging and labeling standards, including warning labels and child resistant packaging
- Prohibition of possession of marijuana and marijuana products on the grounds of a school, day care or youth center while children are present
- Marketing and advertising restrictions for marijuana and marijuana products

While Prop 64 identified some measures to protect youth, educational programs and funding have lagged.

A statewide Cannabis Advisory Committee was established to advise the Bureau of Cannabis Control and other licensing authorities regarding best practices and guidelines to protect public health. In its 2018 Annual Report, the Advisory’s Subcommittee on Public Health and Youth adopted seven recommendations. A few key recommendations include:

- Proper identification training as an employee-training requirement to prevent sales of marijuana and marijuana products to youth at point of sale or upon delivery of product
- Updates to the marketing and advertising restrictions to require that 85% of the audience is reasonably expected to be 21 years of age or older
- Annual data collection and reporting on youth use and overuse, including ER visits and treatment episodes, and DUI and poison control calls

The Bureau of Cannabis Control has not implemented any of the youth related recommendations to date.

Today’s Marijuana

The psychoactive chemical in marijuana is tetrahydrocannabinol (THC). Marijuana potency has more than tripled since the 1980’s, when leaf marijuana contained 2% to 4% potency. Most marijuana sold today is a hybrid of indica (calming, relaxing effect) and sativa (stimulating or cerebral effect). Newer strains of marijuana continue to be developed to meet consumer needs.

Marijuana now comes in many forms. The Drug Enforcement Administration (DEA) reports that the THC content of leaf marijuana averages 14% to 17%. Marijuana extracts, such as oils, have an average THC level of 60%. Wax and dabs have been reported to have THC levels of more than 90 percent.

Marijuana edibles, such as brownies, cookies, and lollipops, can have THC levels of 30% or more. The onset of symptoms after ingestion of an edible can take as long as one to four hours,

and symptoms can last for several hours. While there is child-safe packaging for edibles sold in dispensaries, edibles can easily be made at home.

According to the DEA, many marijuana users prefer vaping pens or electronic smoking devices because they are convenient to use and easy to conceal. Some vaping pens have a 3-in-1 function and can be used for wax, dry herb or liquid cannabis. These electronic smoking devices are popular with youth and easy to obtain on-line.

The high THC levels in some forms of marijuana can lead to scromiting (simultaneous screaming and vomiting), poisoning and complications due to interaction with other medications

Marijuana and the Developing Brain

In September 2017, The California Department of Public Health (CDPH) launched its “Let’s Talk Cannabis” health information and education campaign. The campaign includes the scientific basis for restricting access of marijuana and marijuana products to persons under the age of 21 years.

According to research noted in the campaign, regular use of marijuana by youth may lead to physical changes in the brain. Regular marijuana use has been linked to anxiety, depression and suicide, especially for teens with a family history of mental illness. Marijuana use as a teen can lead to marijuana dependence and increase the risk of using or abusing other substances or illegal drugs.

Research further indicates that marijuana can impact memory, learning and attention span. Regular use of marijuana has been linked to a higher risk of dropping out of school, unemployment and underemployment.

Youth Trends in Sacramento County

The *California Healthy Kids Survey* (CHKS) is an anonymous, confidential survey administered by local school districts to students in grades five, seven, nine, and eleven. The survey allows schools and communities to collect and analyze data regarding local youth health risks and behaviors in a variety of areas.

In addition to the required modules, CHKS includes a recommended module called “alcohol and other drugs” for middle school and high school students. The questions regarding marijuana use in the alcohol and other drugs module were modified in the 2018 survey to include eating and vaping in addition to smoking.

The survey results for Sacramento County school districts can be found at the CalSCHLS webpage. The results indicate that marijuana usage is common, particularly with high school students. Usage in non-traditional schools, such as continuation schools, is typically more than double that of traditional schools. Marijuana usage is also being noted in the middle schools. The surveys indicate that alcohol and marijuana are now the primary drugs of choice for youth.

Education and prevention experts in Sacramento County report that marijuana is as easy to obtain as alcohol. Youth under the influence of marijuana have been reported on school campuses across the county, sometimes resulting in medical referrals for overuse and scromiting. The juvenile justice system reports that about 80% of the youth coming into its facilities are using marijuana.

Educators and prevention experts indicate that there are many misconceptions about marijuana now that it is legal. Marijuana use has become normalized in many households. According to the results from CHKS, youth indicate that they obtain marijuana from friends or family members. Youth have reported that they believe that marijuana is safe and healthy for recreational use, since it is now legal and used medicinally.

Funding for Youth Programs and Services - General

At the Federal level, funding for prevention programs is available through the Substance Abuse and Mental Health Services Administration (SAMSHA) within the U.S. Department of Health and Human Services. The funds are provided to the states and then passed on to the counties and other prevention providers based on their identified needs.

The Safe and Drug-Free Schools and Communities Act is a state and local grant program authorized by the Federal Government in 1994 to promote a drug-free learning environment.

At the State level, Prop 64 includes a funding mechanism for youth services. However, revenues from the cultivation and excise taxes must be distributed annually using the priorities outlined in the law. Regulation and research efforts are wholly funded prior to funding for community reinvestment and youth education, prevention and treatment programs.

Prop 64 funds were not received for youth programs in the 2018-2019 funding cycle. The next funding allocation will occur in July 2019. Moving forward, it is unknown when funds will be received and how those funds will be distributed to various entities in Sacramento County that provide youth services.

On-going education and prevention resources for youth are largely dependent on securing federal and state grants and obtaining funding from private sources such as Kaiser Health.

Funding for Youth Programs and Services – Sacramento County

The Office of Behavioral Health Services within the Sacramento County Department of Health Services (SCDHS) provides alcohol and drug prevention & treatment services for youth throughout the County.

SCDHS treatment programs are funded through Drug Medi-Cal. The funds are used to contract with treatment providers and cannot be used for prevention programs. Services for youth treatment up to age 18 are an entitlement. Reimbursement is provided based on cost report data from the CalOMS treatment database, which is California's data collection and reporting system for substance use disorder services.

SCDHS prevention programs target youth from ages 10 to 17 and transitional youth from ages 18 to 26. Their programs are funded with SAMSHA dollars funneled through the California Department of Health Care Services. SCDHS typically receives \$1.2 million annually for youth prevention programs. These funds are used to contract with four service providers, including the Sacramento County Office of Education.

Last year, SCDHS submitted an Alcohol and Substance Abuse Prevention (ASAP) Project proposal targeting youth and marijuana. It received a one-time allocation of \$3.8 million to be used primarily for the ASAP and Future Forward campaigns. The funds are on track to be expended by June 30, 2019.

This year, SCDHS requested and received \$750,000 of SABG (Substance Abuse, Prevention and Treatment Block Grant) funds through the California Department of Health Care Services. These dollars will be used for additional prevention projects focusing on marijuana and other substances.

Sacramento County Youth Programs and Partnerships

The *Friday Night Live* program for high school students and *Club Live* program for middle school students are designed to build leadership skills, provide opportunity for community engagement, encourage positive peer influence, and prevent alcohol and drug use among teenagers. Participation is at the discretion of each school district and school within the county. There are over fifty high schools and middle schools participating. The Sacramento County Office of Education (SCOE) provides coordination and support. SCDHS is the primary source of funding, which is provided on a first-come, first-served basis.

The *Alcohol and Substance Abuse Prevention (ASAP) Project* was initiated through a one-time grant targeting youth and marijuana. The goal is to help communities develop effective strategies for preventing and managing youth substance abuse and subsequent negative consequences. The Sacramento County ASAP project included these four prevention strategies and accomplishments:

- Community Outreach and Engagement: six town halls, brief intervention pilot study, marijuana prevention summit
- Media Campaign: billboards, print media (magazines, newspapers) digital, transit, PSAs on TV, theaters, sporting events and on radio
- Community Prevention Initiatives: youth-led marijuana and/or alcohol use prevention projects, seven applications funded
- Youth Summit: held June 18, 2018

The *Sacramento County Coalition for Youth (SCCY)* was first established to address underage drinking in Sacramento County, where alcohol is the most frequent substance abused by youth. However, based on results found in the CHKS, the SCCY will be updating its action plan to include both alcohol and marijuana as the primary drugs of choice among youth. Coordination and support for SCCY is provided by SCOE, with funding coming through SCDHS.

In partnership with numerous public agencies in the County, the SCCY developed a public education campaign titled *Future Forward*, with new messaging *Start Smart, Finish Strong*. The campaign aims to distill misconceptions about marijuana use by separating fact from fiction. The campaign was designed to reach out to youth and their families by providing updated information on the law, the drug itself, and the effects of marijuana on youth. Future Forward campaigning is now happening in the Friday Night Live and Club Live programs.

The *Coalition for a Safe and Healthy Arden Arcade (CSHAA)* is a prevention collaborative of the Sheriff's Community Impact Program and is dedicated to promoting safe choices for youth. They are funded by the Office of National Drug Control Policy. Their focus is on underage drinking and substance abuse. CSHAA and SCCY partnered to host the 2019 Sacramento Marijuana Prevention Summit.

Moving forward, many of the programs currently underway that focus on marijuana and other substances will continue. Using SABG funds, the following projects are planned for this year:

- Expand the use of evidence-based programs such as: town hall meetings, youth summit, and community workshops, exhibits and training (SCCY working together with service providers)
- Provide on-going training to dispensary staff that includes a youth prevention component, specifically decreasing youth access to marijuana by informing the public how to safely store and dispose of marijuana. (SCOE working together with City of Sacramento)
- Coordinate with local public health offices and coalitions to implement the “Let’s Talk Cannabis” campaign (SCCY is the lead)

Education and Prevention Programs in the School Districts

While Prop 64 legalized recreational marijuana for adults 21 and older, the Education Code continues to prohibit use, possession, possession for sale and being under the influence of marijuana while on school grounds or while attending a school-sponsored activity.

Section 51260 of the Education Code states that drug education should be conducted in health education classes for grades 1 through 6. It requires drug education to be conducted in health or any other appropriate area of study for grades 7 through 12. In accordance with the Health and Safety Code, drug education should address tobacco, alcohol, narcotics, or other dangerous drugs.

The *Tobacco Use Prevention Education* (TUPE) grant program is a state funded program supported by the 1988 Proposition 99 California Tobacco Tax. TUPE funds support health education efforts aimed at the prevention and reduction of tobacco use by youth. The five school districts in Sacramento County that receive TUPE funds are: Elk Grove, Sacramento City, Folsom-Cordova, San Juan and Twin Rivers. School Districts receiving TUPE funds are required to administer the California Healthy Kids Survey (CHKS).

Each school district runs its own programs related to alcohol and other drugs. School districts may use in-house resources for their programs, or they may contract with service providers or private prevention specialists to provide training programs and materials. Some educational tools, such as a speaker series and the documentary “the Other Side of Cannabis,” are readily available at no cost. School districts may also participate in the programs run by SCOE at their own discretion.

Some school districts within Sacramento County have Youth Program Specialists on staff to provide drug prevention and intervention services for the youth in their district. These positions are typically funded by federal, state or private grants. Continuation of these services is dependent upon securing funds from outside of the school district.

Each school district is responsible for administering the California Healthy Kids Survey or CHKS, which is a voluntary self-assessment by the students. School Districts cover CHKS administrative fees. The results of CHKS are used for requesting funds and developing prevention programs for youth. It should be noted that there is a significant variation in the percentage of student participation in CHKS by school districts throughout the County, with Sacramento City Unified School District having a very low participation rate.

Each school district sets its own policies as they pertain to marijuana violations on campus although it must follow the Education Code for expulsions.

School districts often prefer prevention or remedial programs over suspensions for marijuana violations. They prefer to optimize attendance and days of learning for each student.

ACKNOWLEDGEMENTS

The 2018-2019 Sacramento County Grand Jury would like to acknowledge and thank the host of dedicated individuals that we met during the course of this investigation. We are grateful for their tireless efforts that often go above and beyond the course of their normal duties, all in the interest of the safety and well-being of our youth.

FINDINGS

- F1. Legalization, increased availability, and easy access have led to misconceptions regarding marijuana use, particularly with youth.
- F2. There are significant toxicity and health concerns for youth that can lead to diminished academic performance, regressed socialization, and numerous physical and health issues.
- F3. Although many prevention programs and partnerships have been developed to date, additional needs for youth services continue to be identified.
- F4. Although there are some data from the Healthy Kids Survey (CHKS), consolidated data from multiple sources would paint a broader picture and help identify focus areas and funding needs for youth services.
- F5. While Sacramento County has been admirably proactive in obtaining grant funding for youth prevention, additional funding would allow for more community-based programs and for more direct support to youth in the County's middle and high schools.
- F6. Since results from the Healthy Kids Survey (CHKS) are used for requesting funds and developing prevention programs, improved participation by school districts would benefit county youth and their families.
- F7. To increase awareness, provide a consistent message, and reach a larger audience, schools and other community organizations that serve youth would benefit from presentation materials related to marijuana.
- F8. Since each school district in the County runs its own programs related to alcohol and other drugs, there is a significant variation in the resources available to students and their families throughout Sacramento County.

RECOMMENDATIONS

- R1. The Sacramento County Department of Health Services (SCDHS) and the Sacramento County Office of Education (SCOE) should maintain current youth prevention programs as well as spearhead new initiatives for county youth and their families. (F1, F2, F3)
- R2. SCDHS and SCOE should continue their highly successful collaborations with partners, such as the Sacramento County Coalition for Youth (SCCY) and the Coalition for a Safe and Healthy Arden Arcade (CSHAA). Over the next budget cycle, SCDHS and SCOE should proactively expand partnerships with entities such as school districts, parent-teacher associations, city governments, public health officials, Child Protective Services, and law enforcement. (F1, F2, F3)
- R3. SCDHS, SCOE, and their partners should collect and measure trend data from multiple sources, using whatever means are possible. Possible data include youth usage, treatment data, suspensions, expulsions, arrests, DUIs, and ER visits. (F4)
- R4. Over the next budget cycle, SCDHS, SCOE, and school districts should vigorously pursue sustainable funding for education and prevention programs for youth and their families from multiple sources such as: Prop 64, Federal and State grants, and private organizations. (F5)
- R5. With support from SCOE, school districts should take measures to improve participation in the California Healthy Kids Survey (CHKS) during the next survey cycle, with a focus on middle, high, and non-traditional schools. The survey should include the “alcohol and other drugs” module. (F6)
- R6. In partnership with service providers and others, SCOE should continuously update and expand upon “ready-to-go” informational packages and effective campaigns specific to marijuana that can be shared with school districts or other community-based organizations that serve youth. (F7, F8)
- R7. School districts should create on-line resources for teachers, youth, and their families. (F8)
- R8. School districts should establish Youth Program Specialists or similar positions to administer programs related to alcohol and drug prevention in the next budget cycle. (F8)

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2018-2019 Sacramento County Grand Jury requires responses as follows:

From the following governing bodies within 90 days:

- Sacramento County Department of Health Services (All Findings, R1, R2, R3 and R4)
- Sacramento County Office of Education (All Findings, R1, R2, R3, R4, R5 and R6)
- District Superintendents, for the following Sacramento County School Districts (All Findings, R4, R5, R6, R7 and R8):

- Arcohe Union School District
 - Center Unified School District
 - Elk Grove Unified School District
 - Elverta Joint School District
 - Folsom Cordova Unified School District
 - Galt Joint Union School District
 - Galt Joint Union High School District
 - Natomas Unified School District
 - River Delta Unified School District
 - Sacramento City Unified School District
 - San Juan Unified School District
 - Twin Rivers Unified School District
- City of Sacramento (All Findings, R2)

Mail or hand-deliver a hard copy response to:
David De Alba, Presiding Judge Sacramento County Superior Court
720 9th Street, Dept. 47
Sacramento, CA 95814

In addition, please email response to:
Becky Castaneda, Grand Jury Coordinator at castanb@saccourt.com

GLOSSARY

ASAP	Alcohol and Substance Abuse Prevention
BCC	Bureau of Cannabis Control (the Bureau)
BOP	business operating permit
BOT	business operation tax
CCF	Cannabis Control Fund
CDPH	California Department of Public Health
CSHAA	Coalition for a Safe and Healthy Arden Arcade
DEA	Drug Enforcement Administration
PROP 64	Proposition 64- Adult Use of Marijuana Act
SABG	Substance Abuse, Prevention & Treatment Block Grant
SAMSHA	Substance Abuse and Mental Health Services Administration
SCDHS	Sacramento County Department of Health Services
SCOE	Sacramento County Office of Education
SCCY	Sacramento County Coalition for Youth
THC	tetrahydrocannabinol
TUBE	Tobacco Use Prevention Education

APPENDIX A

SACRAMENTO COUNTY'S RESPONSE TO RECREATIONAL MARIJUANA LEGALIZATION

Regulations and Licensing in Sacramento County

Prop 64 legalized the adult use of marijuana and the indoor cultivation of a small number of plants for personal use. Cities and counties have the authority to establish local regulations and ordinances for the outdoor cultivation, residential cultivations limits, manufacturing and dispensing of marijuana and marijuana-related products.

At the state level, the Bureau of Cannabis Control is charged with the licensing, regulation, and enforcement of commercial marijuana businesses including distributors, retailers, and testing laboratories.

Applicants for state commercial marijuana licenses must be in compliance with all local regulations and ordinances.

The County of Sacramento includes seven incorporated cities: Citrus Heights, Elk Grove, Folsom, Galt, Isleton, Rancho Cordova, and Sacramento City. All seven cities and the County have developed local ordinances or municipal codes outlining their current regulations pertaining to marijuana. The regulations vary by municipality and can found on their respective webpages. Delivery has not been banned anywhere in Sacramento County.

At the time of this report, the City of Sacramento and the City of Isleton have issued business operating permits (BOPs) for outdoor cultivation and dispensaries.

The City of Sacramento first adopted regulations for medical dispensaries in 2011. Since the passage of Proposition 64 in 2016, the City has adopted a regulatory infrastructure for the cultivation, manufacturing, laboratory testing, and distribution of recreational marijuana. The regulations address both storefront and non-storefront (delivery-only) dispensaries.

The City of Sacramento established the Office of Cannabis Policy and Enforcement that has been tasked with transitioning marijuana into to a legal framework within the city limits.

Additionally, this office partners with code enforcement and law enforcement to drive out illegal activities related to marijuana cultivation and distribution.

At the time of this report, the City of Sacramento has issued 30 BOPs for storefront dispensaries located within the City limits and numerous BOPs for delivery-only dispensaries, which deliver throughout Sacramento County.