



Marijuana Issues in Nevada

March 2016

Agenda

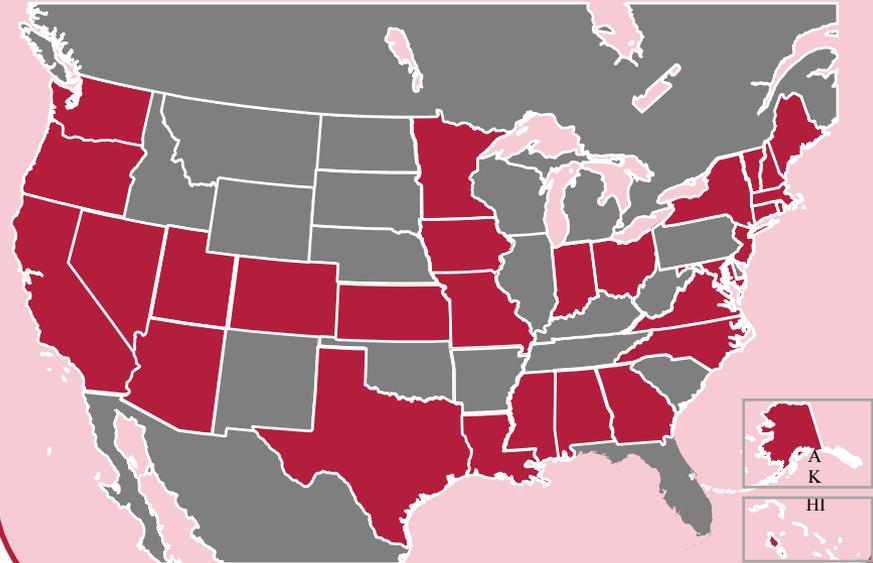
- 1** About SAM & About Marijuana
- 2** Potential messaging regarding NV marijuana initiative
- 3** Caveats & suggested next steps

Through its prestige & 31 affiliates, SAM brings nationwide reach and media impact to the table

- **Non-partisan but high-profile:** founded by former Democratic Congressman Patrick Kennedy and leading Republican pundit David Frum
- **Scientific advisory board** of 12 leading researchers, professors, and public health/legal experts.
- **Hundreds of thousands of press mentions**, including in all major national media, such as:



31 state affiliates across the U.S.



SAM is the one national organization that has successfully pushed back against legalization

- SAM has an evidence-based, scientific approach to marijuana policy that **rejects the false dichotomy that we must either lock up marijuana users OR legalize pot**
- Instead, we support:
 - Alternatives to incarceration
 - FDA-approved medications derived from marijuana
 - Ending legalization and commercialization of pot
- We have **helped defeat five state pro-legalization initiatives**, including the 2015 Ohio ballot measure



SAM is led and advised by a team of experienced professionals

BOARD OF DIRECTORS

- **Jon Talcott, Chair**
Partner and Chair, Securities Practice Group, Nelson Mullins Riley & Scarborough LLP
- **Dr. Stu Gitlow, Vice-Chair**
Immediate Past President, American Society of Addiction Medicine
- **Kean McAdam, Secretary**
- **Danielle Forsgren, Treasurer**
Television host and spokesperson
- **Steven Millette**
Executive Director, Center for Dependency, Addiction and Rehabilitation (CeDAR), University of Colorado Hospital
- **Howard C. Samuels**
Founder, The Hills Treatment Center
- **David George**
CEO, Healthcare Solutions; President of CaremarkPCS, LLC (formerly, Advance PCS) (2000-2003)

EXECUTIVE SUITE

- **Dr. Kevin Sabet, President & CEO**
Director, University of Florida Drug Policy Institute; former White House senior advisor, Office of National Drug Control Policy
- **Jeffrey Zinsmeister, Executive Vice President**
Former Head of U.S.-Mexico Drug Demand Reduction & Anti-Corruption Programs, U.S. Department of State; former Bain & Company consultant

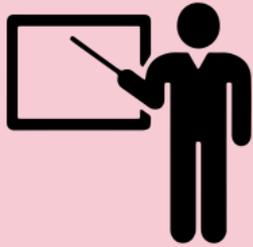
HONORARY ADVISORS

- **The Honorable Patrick Kennedy**
Former U.S. Representative, Rhode Island; Co-Founder, One Mind, and Founder, Kennedy Forum
- **David Frum**
Senior Editor, The Atlantic, speechwriter to President George H. W. Bush
- **Gen. Barry R. McCaffery (Ret.)**
Former Director, White House Office of National Drug Control Policy (ONDCP)

Prominent scientists and judges guide SAM's scientific advisory board

- **Dr. Hoover Adger**, Johns Hopkins
- **Dr. A Eden Evins**, Harvard
- **Judge Arthur Burnett**, National Executive Director, National African American Drug Policy Coalition
- **Dr. Stuart Gitlow**, Mt. Sinai School of Medicine
- **Dr. Sion Kim Harris**, Harvard University
- **Dr. Sharon Levy**, Harvard University
- **Dr. Kimber Richter**, University of Kansas
- **Dr. Paula Riggs**, University of Colorado at Denver
- **Dr. Howard Samuels**, founder, The Hills Treatment Center
- **Dr. Christian Thurstone**, University of Colorado at Denver
- **Dr. Kathryn Wells**, University of Colorado at Denver
- **Dr. Krishna Upadhy**a, Johns Hopkins

SAM has accomplished much in just two years and with only \$250,000



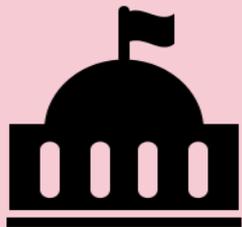
Thousands of talks on marijuana use



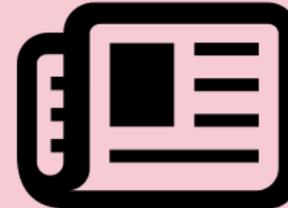
Helped defeat 5 pro-marijuana initiatives (including in Ohio)



Founded >30 state affiliates



Advocacy at the highest levels of gov't



100s of thousands of press mentions

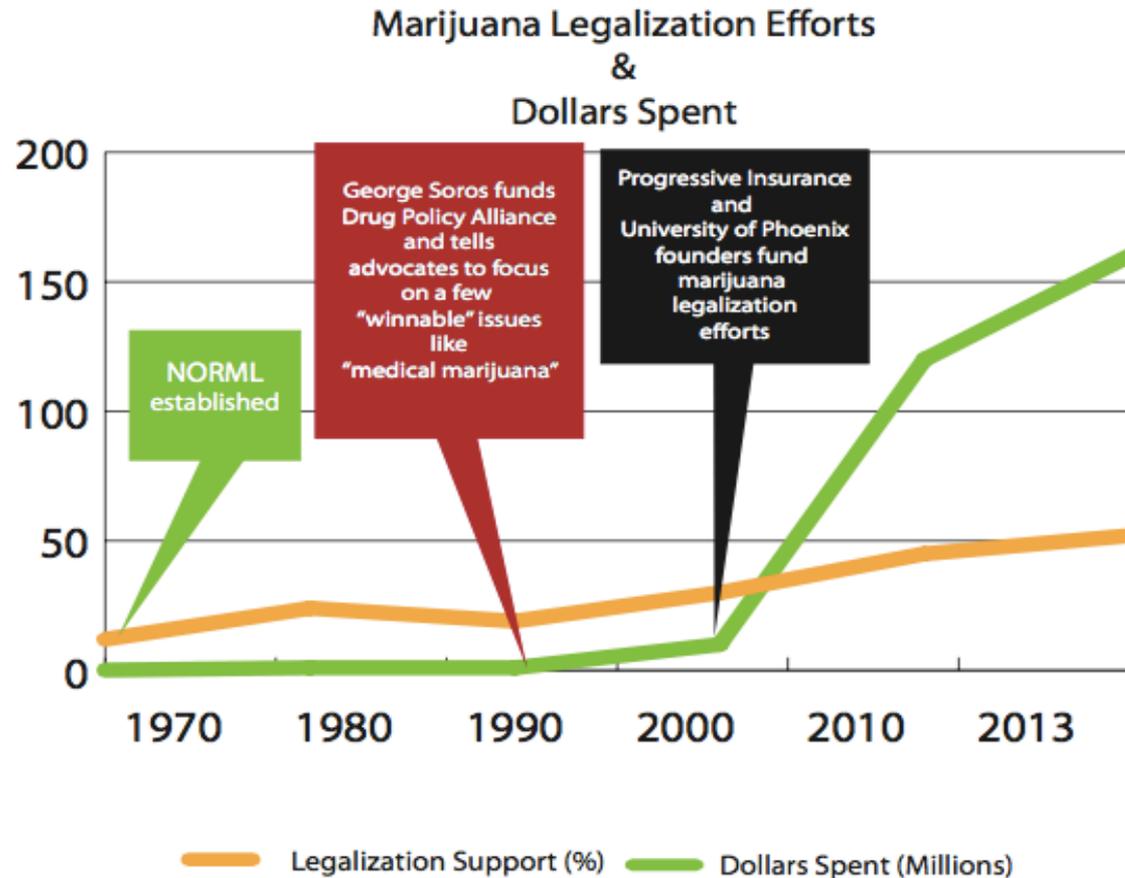
Pat Hickey: SAM's voice in Nevada



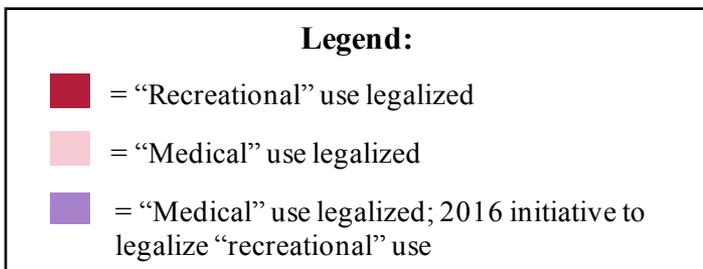
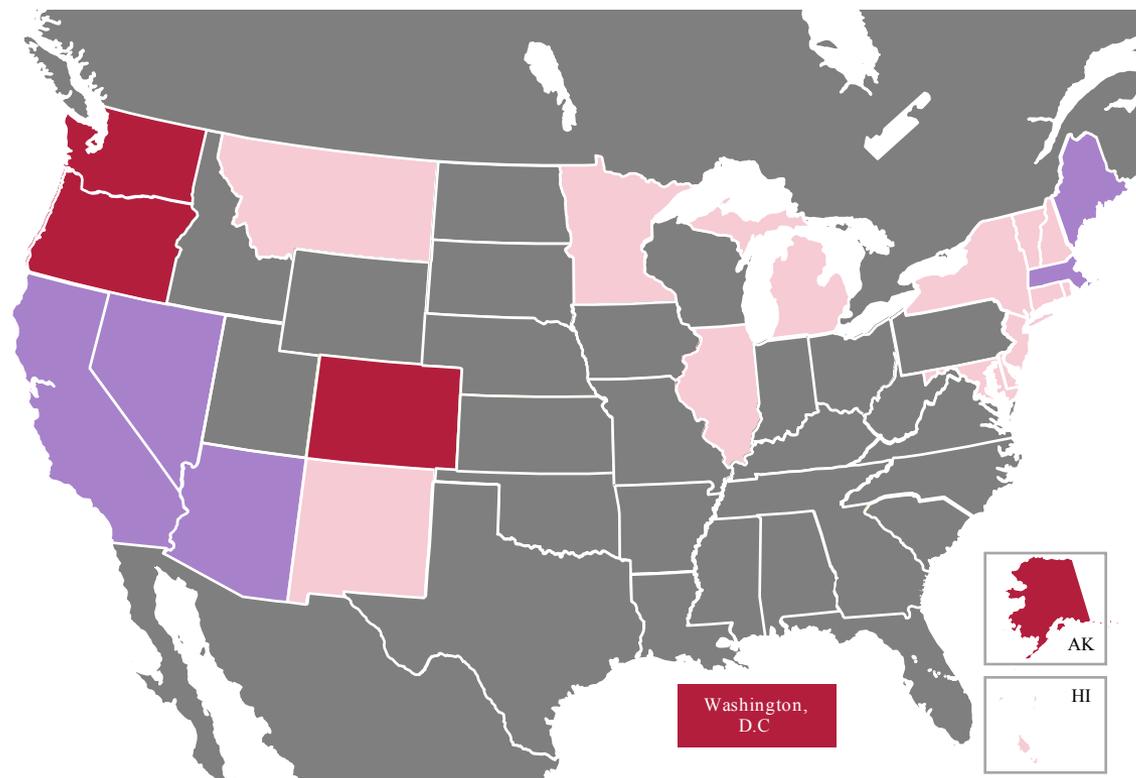
Pat Hickey
Nevada Coordinator
Smart Approaches to
Marijuana (SAM)

- Current member, Nevada Board of Education
- Multiple terms in the Nevada State Legislature: 1996-98 & 2010-2016
- Former Assembly Minority Leader
- Former Chair, Ways and Means Subcommittee on K-12/Higher Education Funding
- Professor of Political Science, University of Nevada, Reno
- Master's degree in Journalism, University of Nevada

Rising support for legalization follows a massive political spending campaign



This tide of money has resulted in legalization across a large portion of the United States



- **In California alone, up to \$25 million is expected to be spent promoting the 2016 “recreational” marijuana initiative**



Our biggest challenge:

“Inevitability” narrative

SAM's affiliates include leaders of successful anti-legalization campaigns across the country



Tony Coder

- Led successful opposition to OH Issue 3 in 2015
- Assistant Director, Drug-Free Action Alliance
- Co-creator of Telly-award winning *Smart and Sober* campaign



Ohio: 2015

Other SAM-assisted victories



Vermont: 2015



**Rhode Island:
2014 & 2015**



Hawaii: 2014

The Landscape

2016 Ballot States: California, Nevada, Arizona, Massachusetts, Maine

2016 Legislative States: Vermont, Rhode Island

2016 Colorado: *Discussion underway for a ballot initiative to “reform/repeal” Amendment 64 – cutting out edibles, advertising, and other key elements of commercialization.*

DC situation: *The district on verge of legalizing retail/clubs; Federal pressure mounting*

Success is more than having science on our side—it's telling a strong story & knowing how to sell it

1

Fundraising strategy

Without money, the best message won't reach anyone

2

Public opinion research

Understanding public opinion allows you to effectively tailor your story to your audience

3

Alliances w/ influencers

Beyond traditional alliances of prevention groups and police, outreach to businesses and other influential groups is key

4

Public relations & media

Developing a strong, polished message requires professional design, strong media contacts & social media presence

5

Outreach to decision-makers

As legislators, executive office-holders & public servants can influence outcomes, relations with them should be managed

6

Leadership

Finally, a coherent campaign needs centralized coordination by someone with the requisite time and expertise



Legalization = **Big Marijuana**

- Legalization measures will inevitably lead to mass commercialization

Perception:

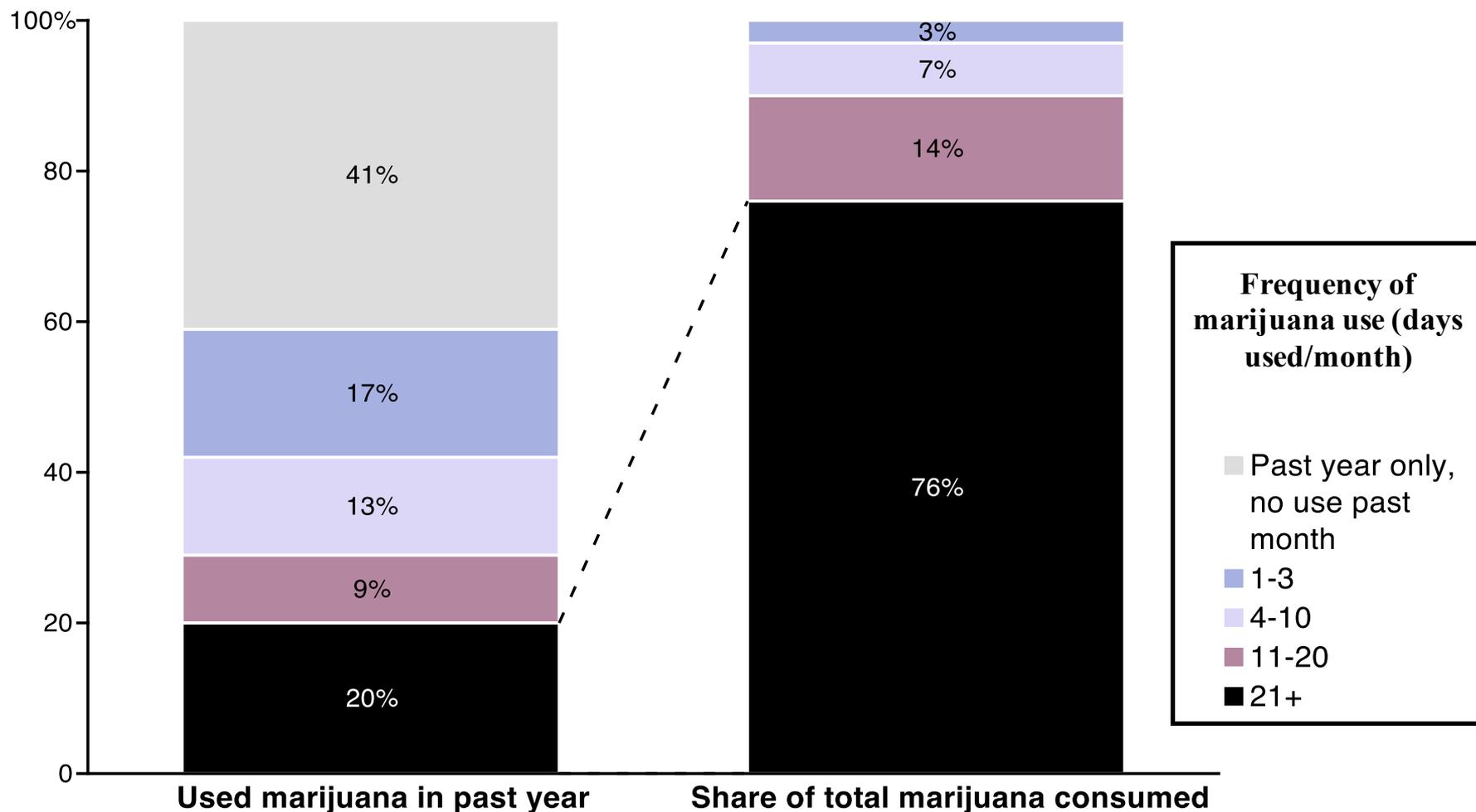


Reality:

THE LEGALIZATION OF MARIJUANA means ushering in an entirely new group of corporations whose primary source of revenue is a highly habit-forming product. Sounds a lot like another industry we just put in its place. Many facts are being ignored by this and other news organizations. Go to GrassIsNotGreener.com to see why so many major medical associations oppose marijuana legalization.

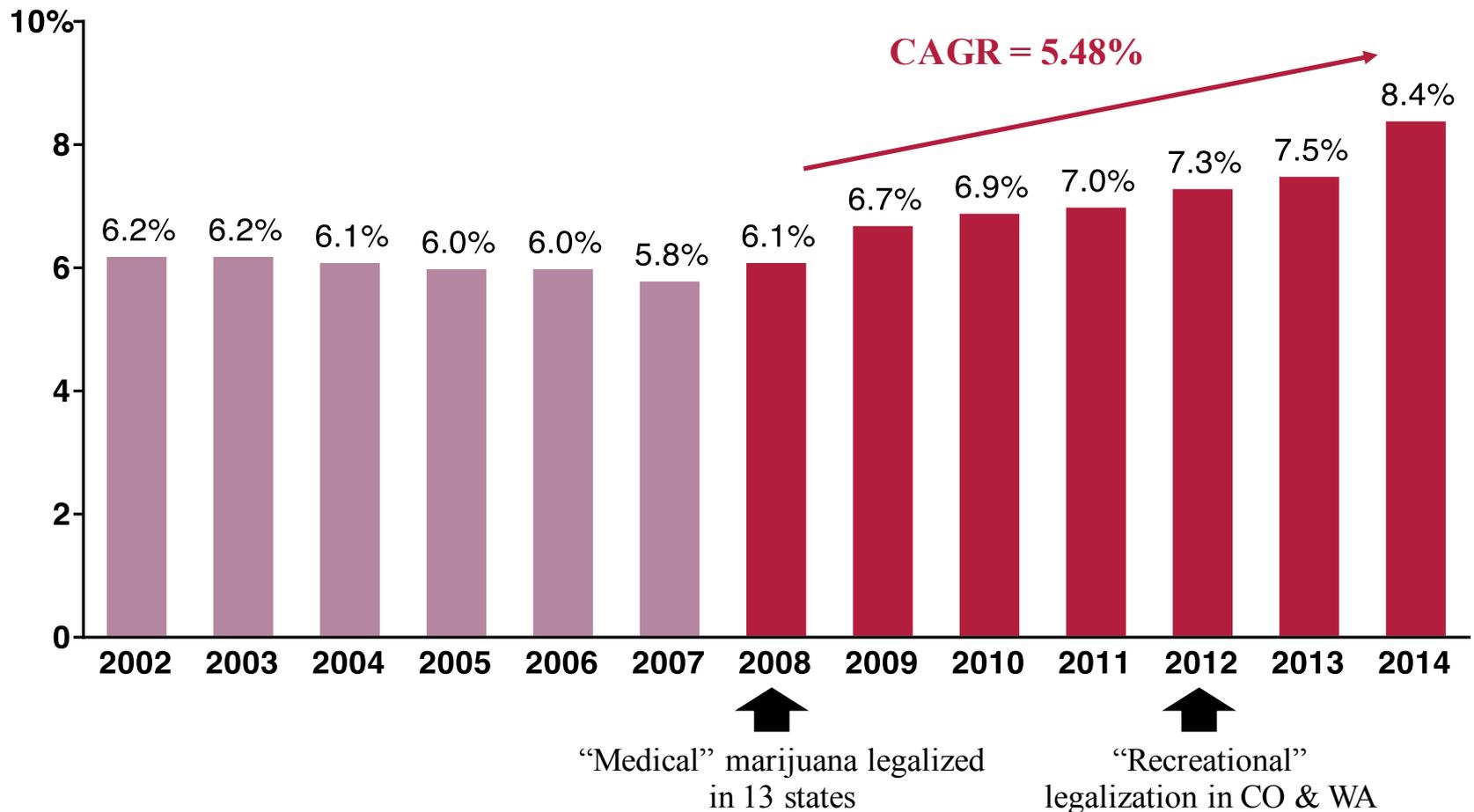
GrassIsNotGreener.com

Heavy users dominate marijuana consumption

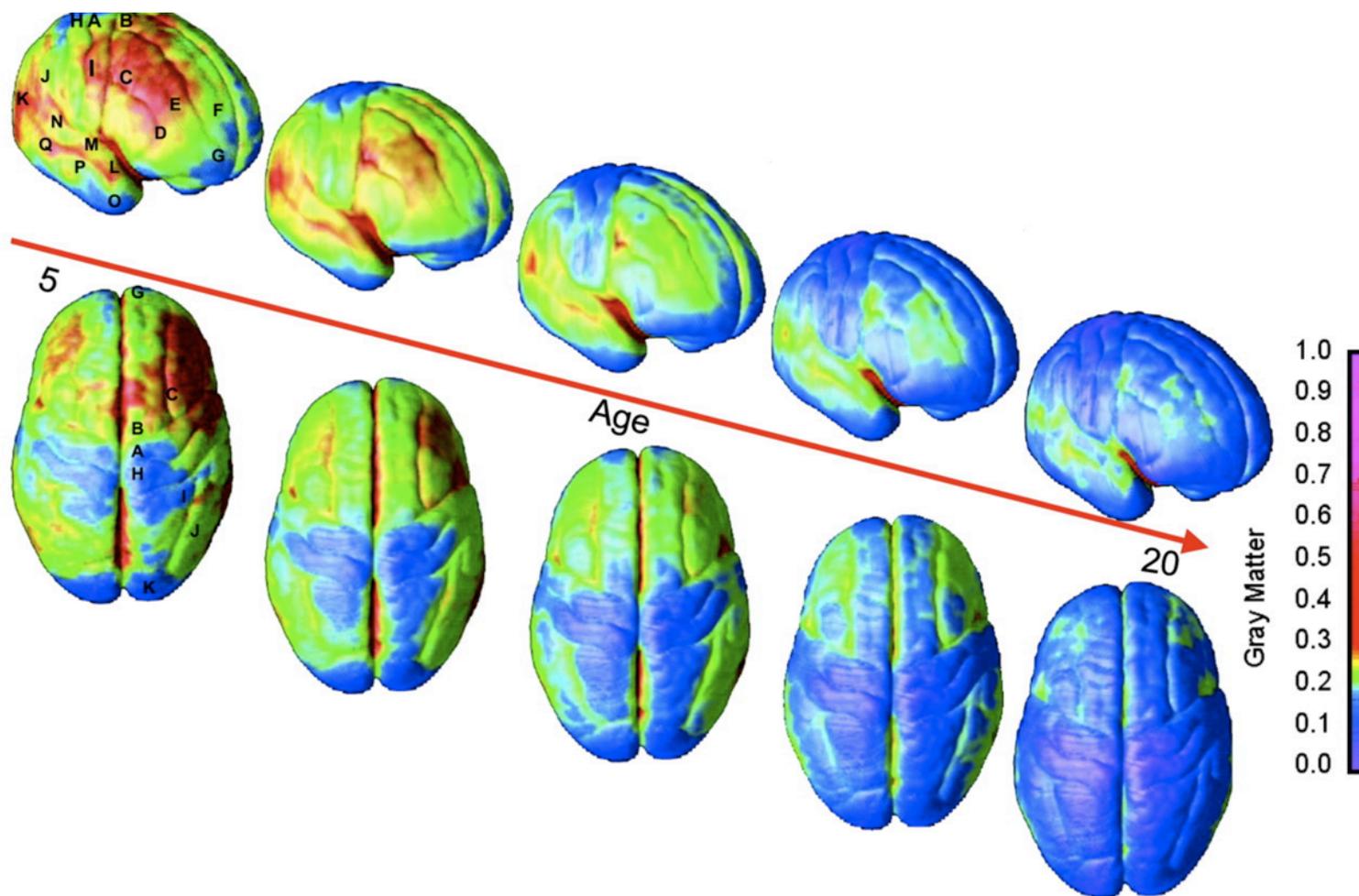


Marijuana use has been on the rise in the last decade, since legalization laws became common

Percentage of population ages 12 and up who used marijuana in the past month

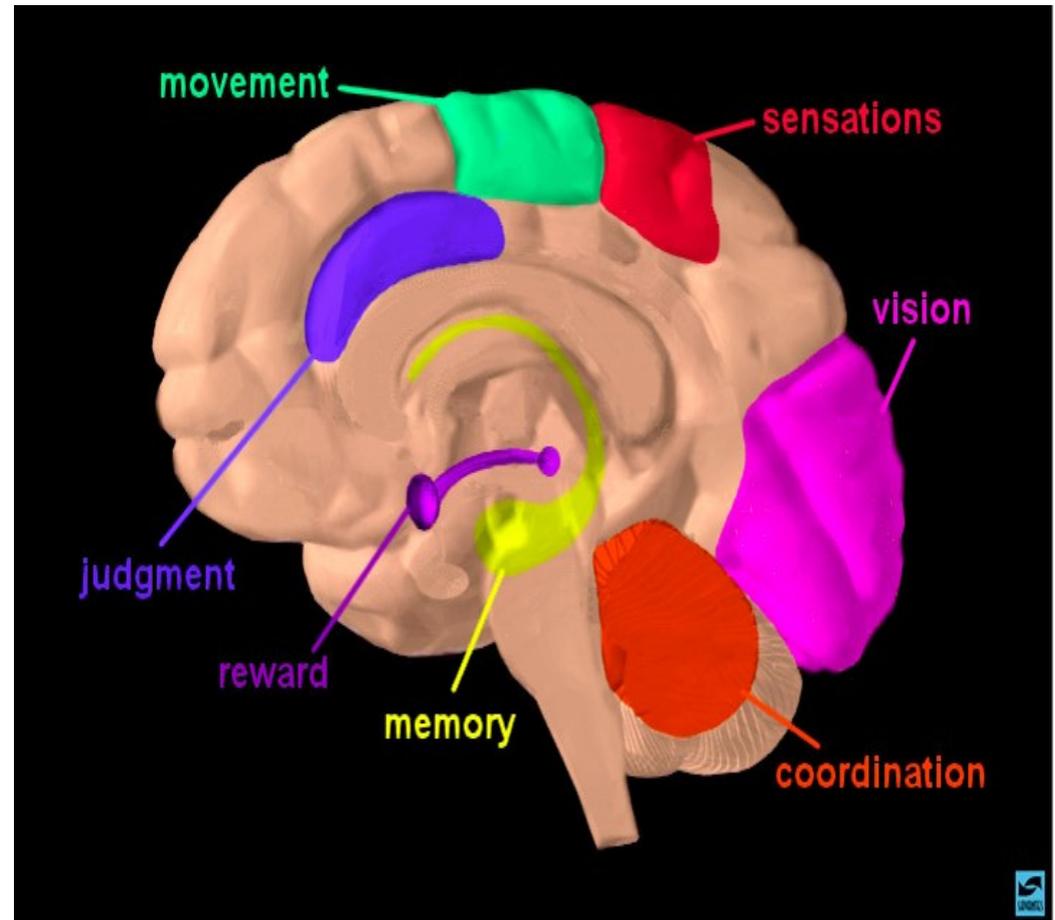


Brain development: Ages 0-20



Cannabinoid Receptors Are Located Throughout the Brain and Regulate a Host of Brain Activity

- Brain Development
- Memory & Cognition
- Motivational Systems & Reward
- Appetite
- Immunological Function
- Reproduction
- Movement Coordination
- Pain Regulation & Analgesia



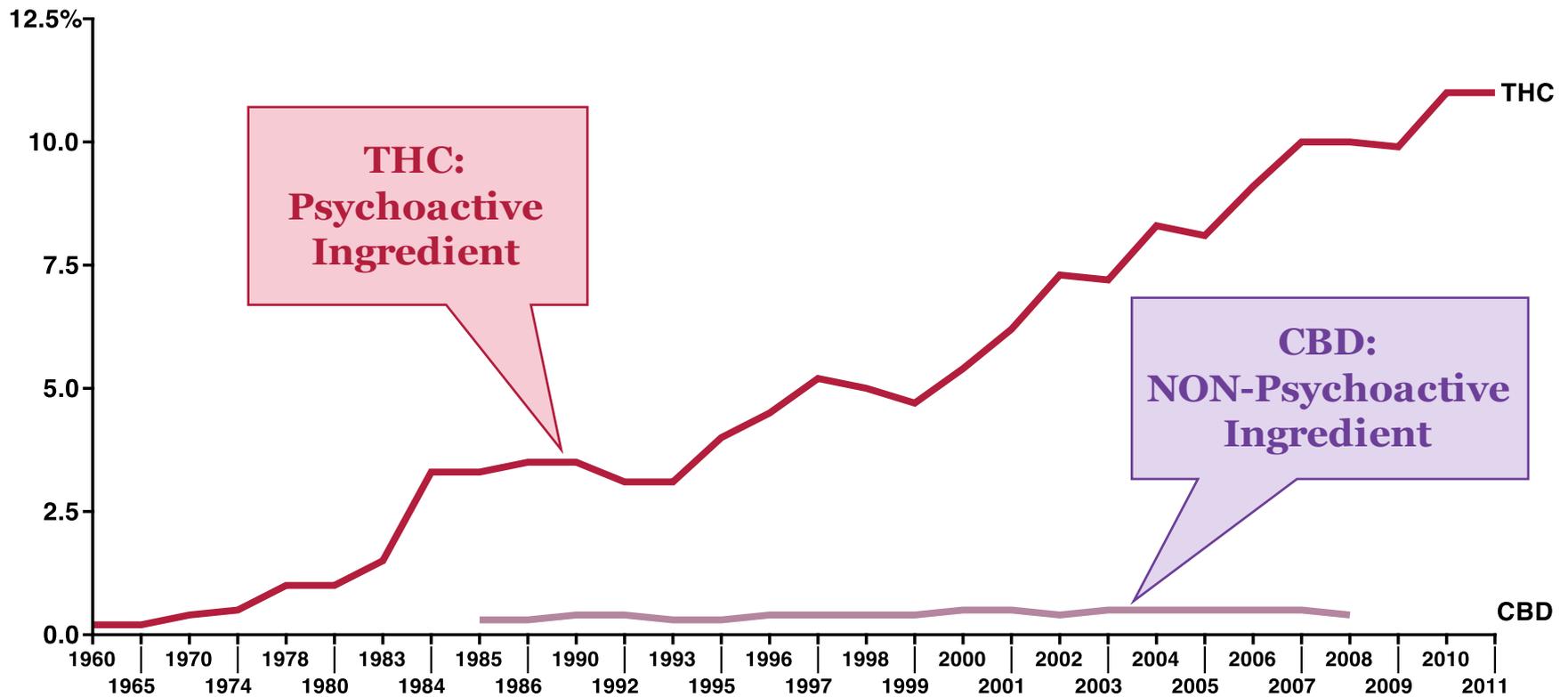
1 in 6 teens become addicted to marijuana



- 1 in 11 adults and 1 in 6 adolescents who try marijuana will become addicted to it
- The adolescent brain is especially susceptible to marijuana use
- When kids use, they have a greater chance of addiction since their brains are being primed

Marijuana has become significantly more potent since the 1960s

Average THC and CBD levels in the United States



CBD							0.3	0.3	0.4	0.4	0.3	0.3	0.4	0.4	0.4	0.4	0.4	0.5	0.5	0.4	0.5	0.5	0.5	0.5	0.5	0.4				
THC	0.2	0.2	0.4	0.5	1.0	1.0	1.5	3.3	3.3	3.5	3.5	3.1	3.1	4.0	4.5	5.2	5.0	4.7	5.4	6.2	7.3	7.2	8.3	8.1	9.1	10.0	10.0	9.9	11.0	11.0

Marijuana is not “just a plant” anymore – derivatives contain up to 98% THC



*“Green Crack”
wax*



“Ear Wax”



Butane Hash Oil
(BHO)



Hash Oil Capsules



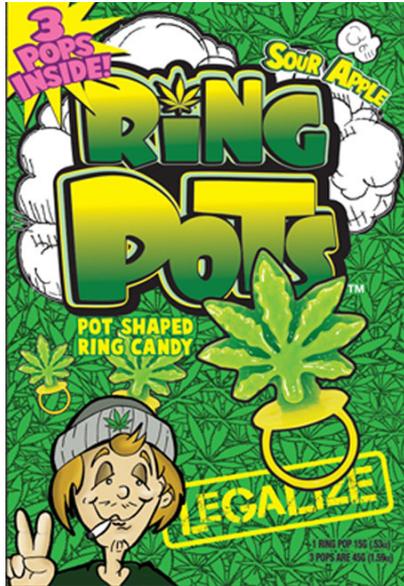
“Budder”

Copyright SAM and the Slides Authors.
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“Shatter”



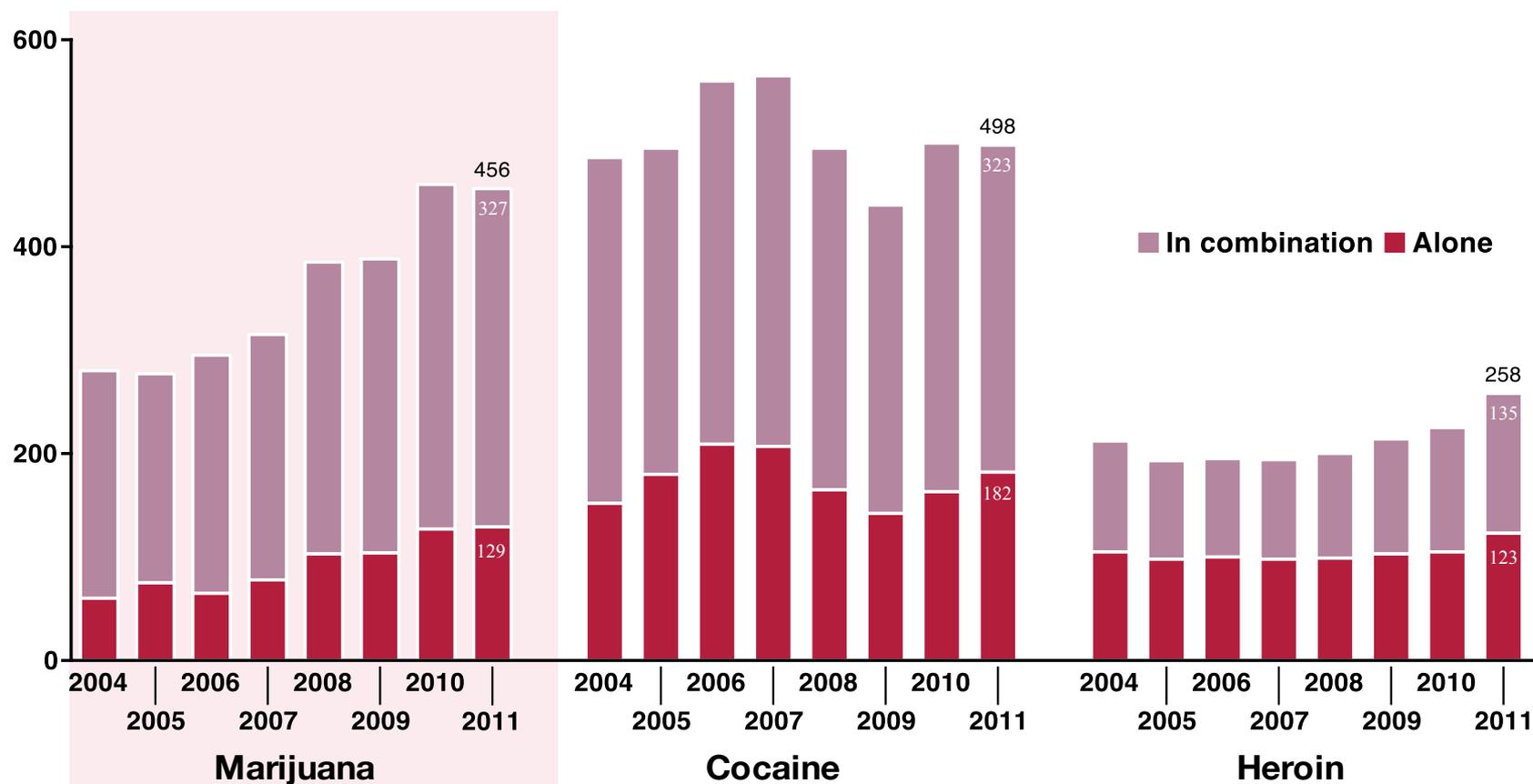
Targeting children



Marijuana-related emergency room visits have risen sharply, both in relative and absolute terms

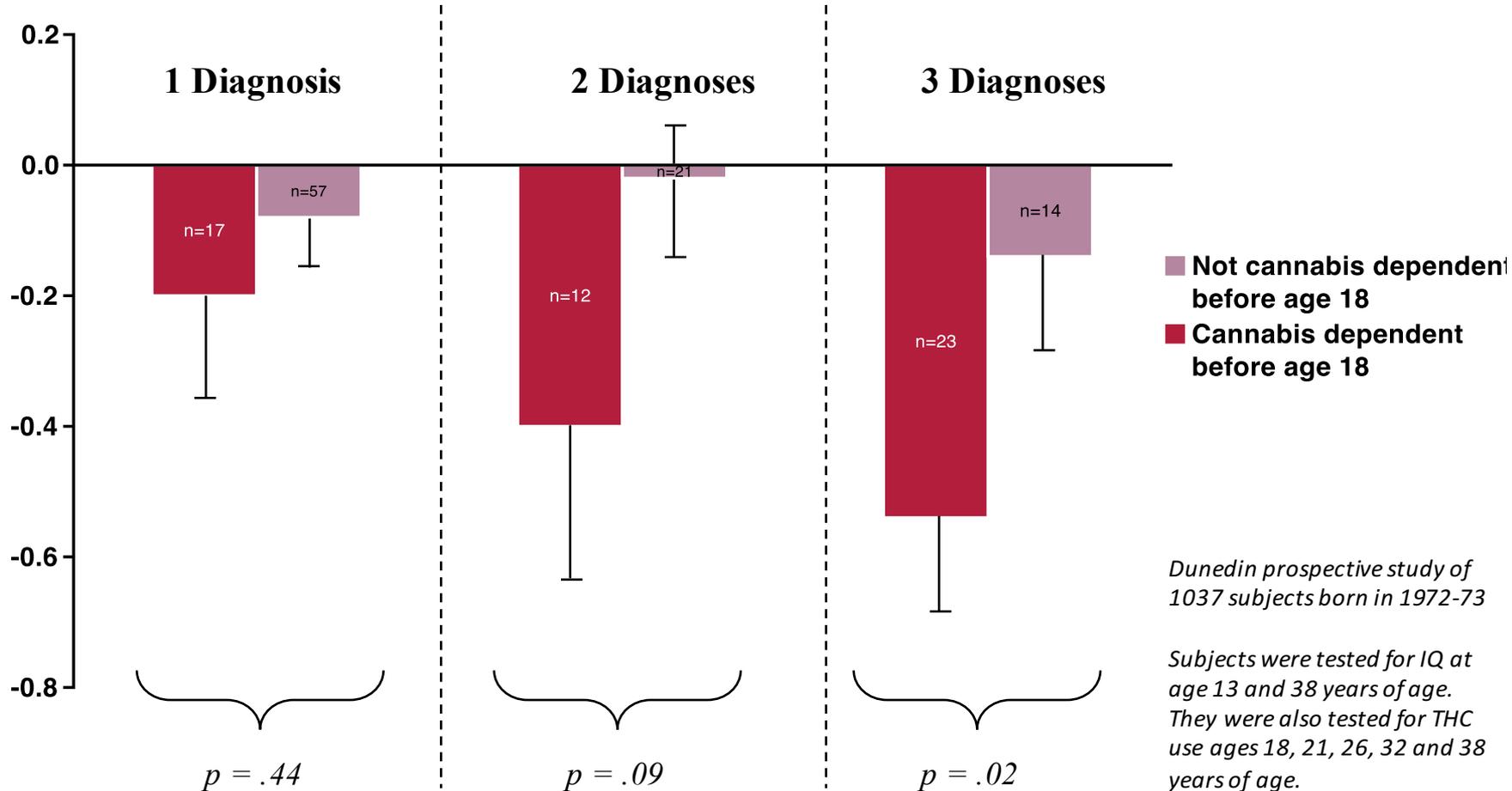
Number of Emergency Department Visits Involving Marijuana, Cocaine, or Heroin

of emergency-department visits (in thousands)



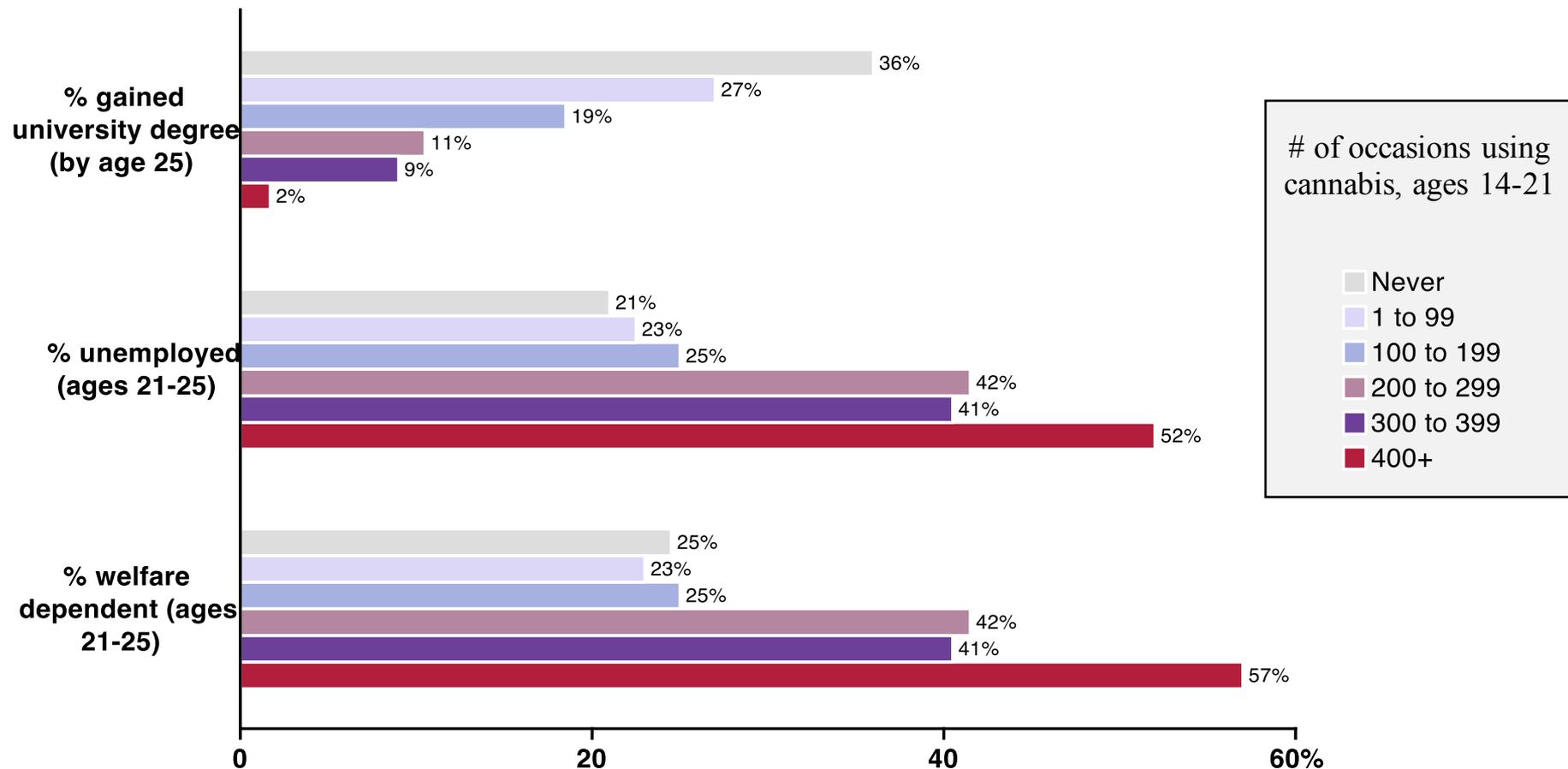
Marijuana use is also associated with lower IQ among adolescents

Change in full-scale IQ
(standard deviation units)



Cannabis use also corresponds with undesirable social outcomes such as unemployment

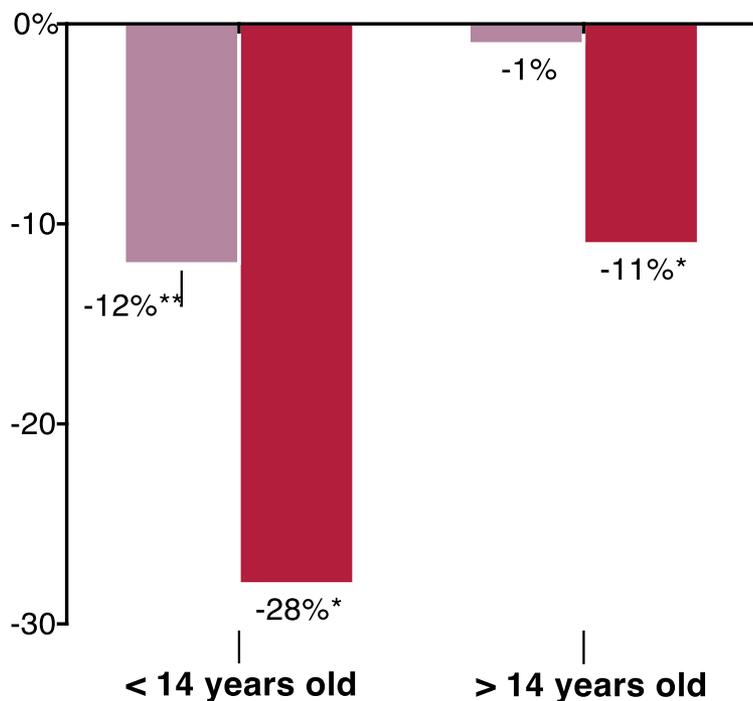
New Zealand study showing relationship between cannabis use and social outcomes



Early marijuana use and intensity of use are associated with lower educational attainment

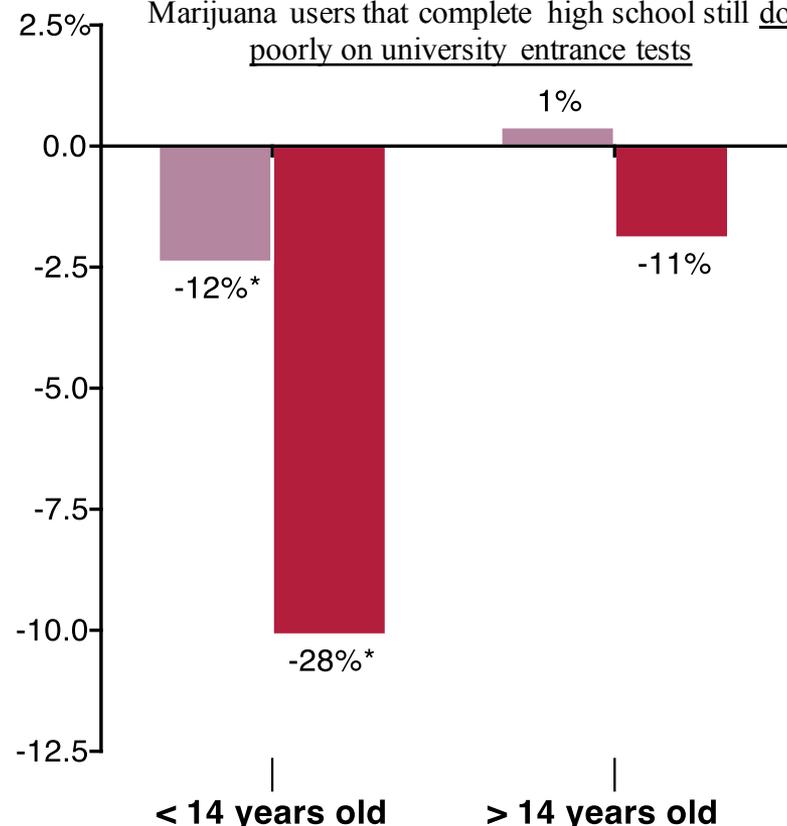
High School Completion

Marijuana users show much higher high school dropout rates than non-users



University Entrance Score

Marijuana users that complete high school still do poorly on university entrance tests



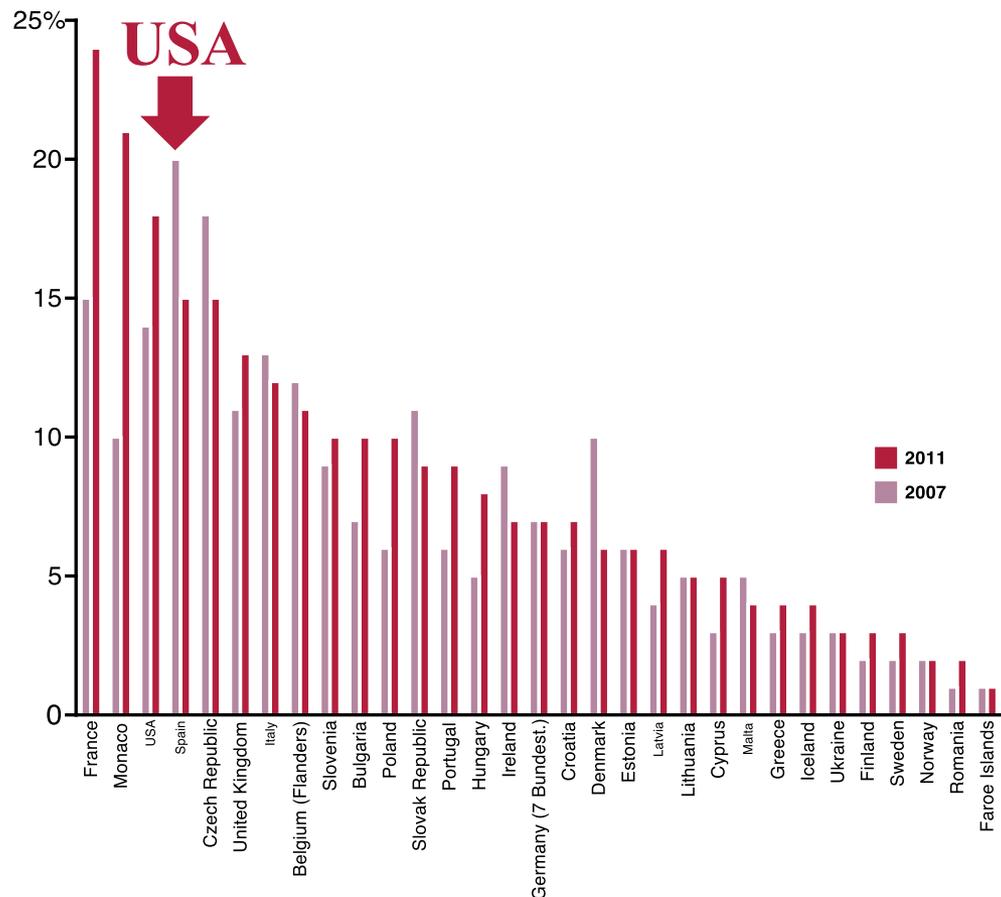
* $p < 0.01$, ** $p < 0.05$

■ Low intensity use
■ Med/high intensity use

Can the United States afford the risk of further increases in cannabis use?

The U.S. is 30th out of 32 countries in cannabis use w/ 15 & 16-year-old students

Past Month Use, Percentages, 2007 and 2011



The U.S. has fallen behind in educational achievement

(out of 65 jurisdictions, 2012)

Math:
36th

Science:
28th



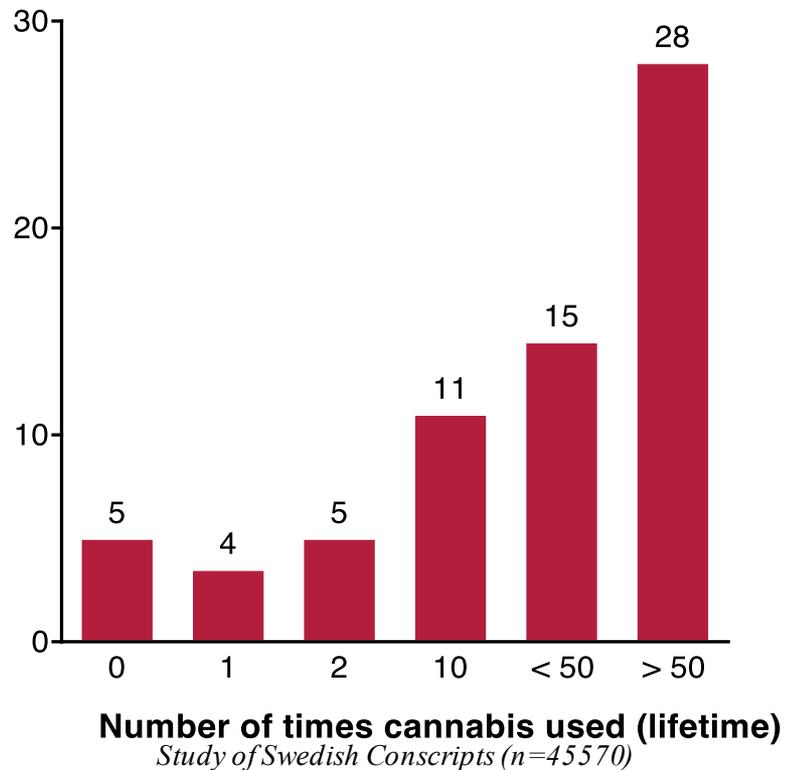
Reading:
24th



Marijuana use is associated with psychosis

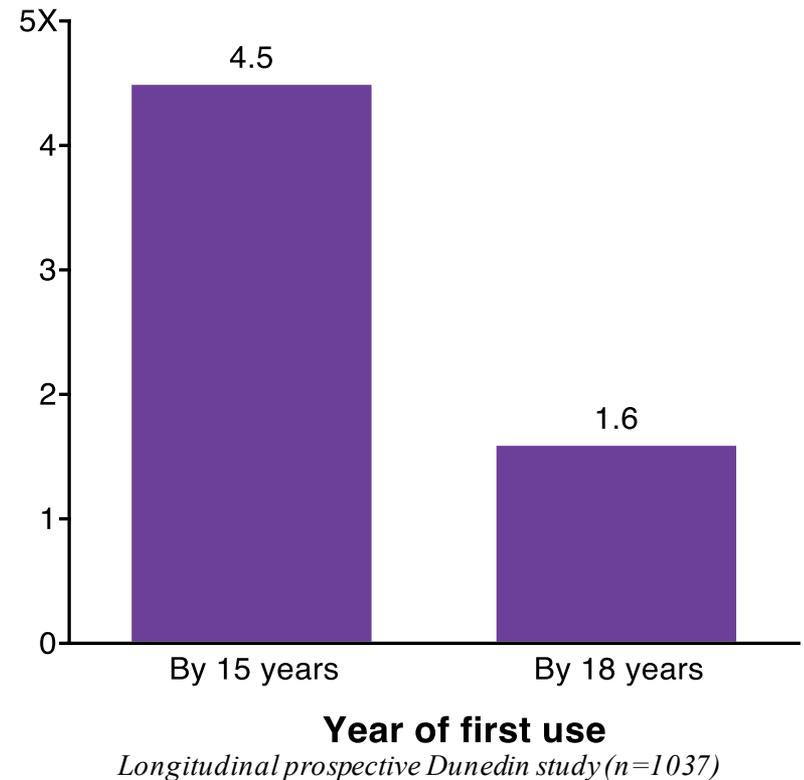
MORE MARIJUANA USE CORRELATES WITH HIGHER RATES OF SCHIZOPHRENIA

Cases of schizophrenia per 1,000 people



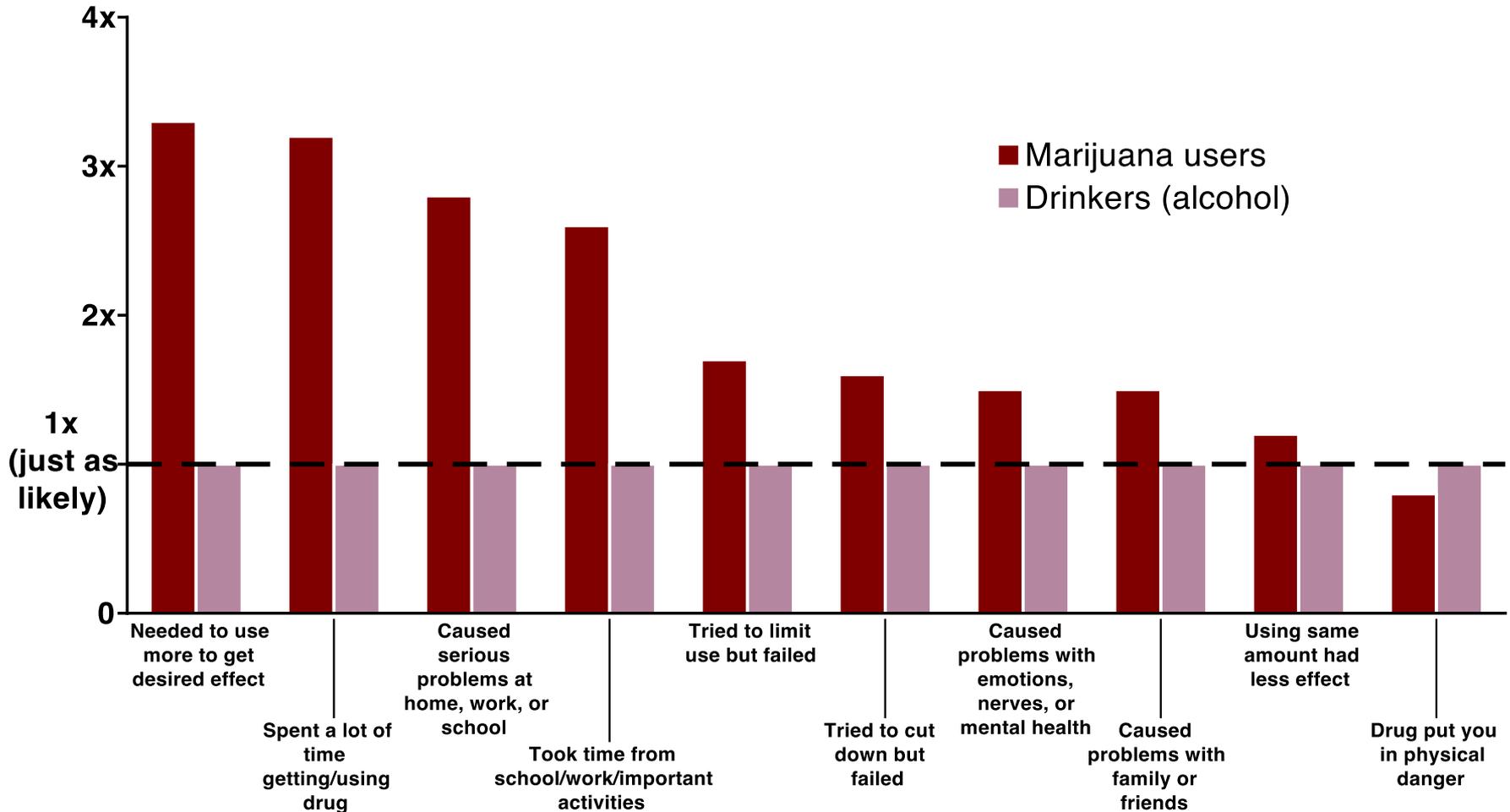
EARLIER AGE OF USE CORRELATES WITH INCREASED SCHIZOPHRENIA RISK

Risk multiple for schizophrenia-like psychosis at age 26



Don't believe everything you hear: Pot can be more dangerous than alcohol in a number of ways

Relative frequency of problem



Is marijuana medicine? It depends on how you look at the question

 NO	 YES	 MAYBE
<p>Smoked or ingested raw marijuana is not medicine</p>	<p>There are marijuana-based pills available to treat illness, and other such medications coming soon</p>	<p>Additional research is ongoing into the medical properties of marijuana-derived compounds</p>

Privateer Holdings

- The first private equity company dedicated to the marijuana industry



Legalization has birthed a marijuana industry, fueled by private equity and Wall Street



NYC-based private equity firm focused on cannabis



\$26 million round of funding closed July 2015



Partnership with Willie Nelson to develop a marijuana brand



Seattle-based private equity firm investing exclusively in pot



Secured the first institutional investment in cannabis



Launched the world's first global cannabis brand, "Marley Natural"



The early days of big tobacco

Dr. Batty's
For Your Health
ASTHMA CIGARETTES
 SINCE 1902
For the temporary relief of paroxysms of asthma
 EFFECTIVELY TREATS:
 ASTHMA, HAY FEVER, FOUL BREATH
 ALL DISEASES OF THE THROAT,
 HEAD COLDS, CANKER SORES,
 BRONCHIAL IRRITATIONS
 NOT RECOMMENDED FOR CHILDREN UNDER 6.

According to repeated nationwide surveys,

More Doctors Smoke **CAMELS** than any other cigarette!

Doctors in every branch of medicine were asked, "What cigarette do you smoke?" The brand named most was Camel!

You'll understand why doctors smoke Camels when you know that a doctor's work is not only a hard one but a long one. He needs a cigarette that will give him the most relief and the least trouble. That's why he smokes Camels. They are the only cigarettes that will give him the most relief and the least trouble. That's why he smokes Camels.

THE DOCTORS' CHOICE IS AMERICA'S CHOICE!

For 30 days, test Camels in your "I Zone" (I for Throat, I for Taste)

Viceroy's FILTER the Smoke!

As your Dentist, I would recommend **VICEROYS**

NOW...Scientific Evidence on Effects of Smoking!

A scientific research is making regular to multiple measurements of a group of people from various cities of 50, 43 percent of this group have smoked Chesterfield for an average of over ten years.

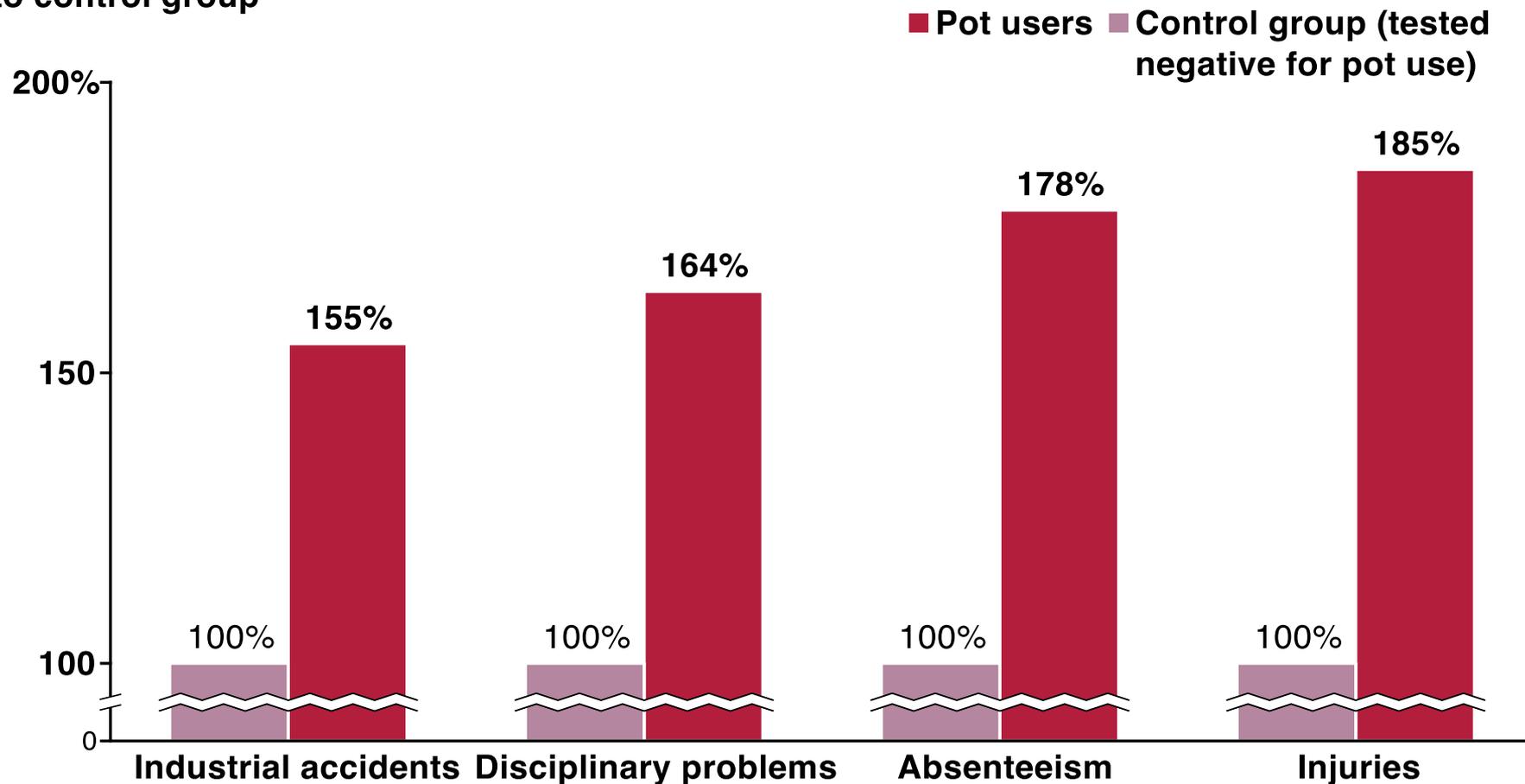
After ten months, the medical specialists report that the laboratory tests indicate that the subjects of the group have smoking Chesterfield

**MUCH Milder
CHESTERFIELD
IS BEST FOR YOU**

First and Only Premium Quality Cigarette in Both Regular and King-Size

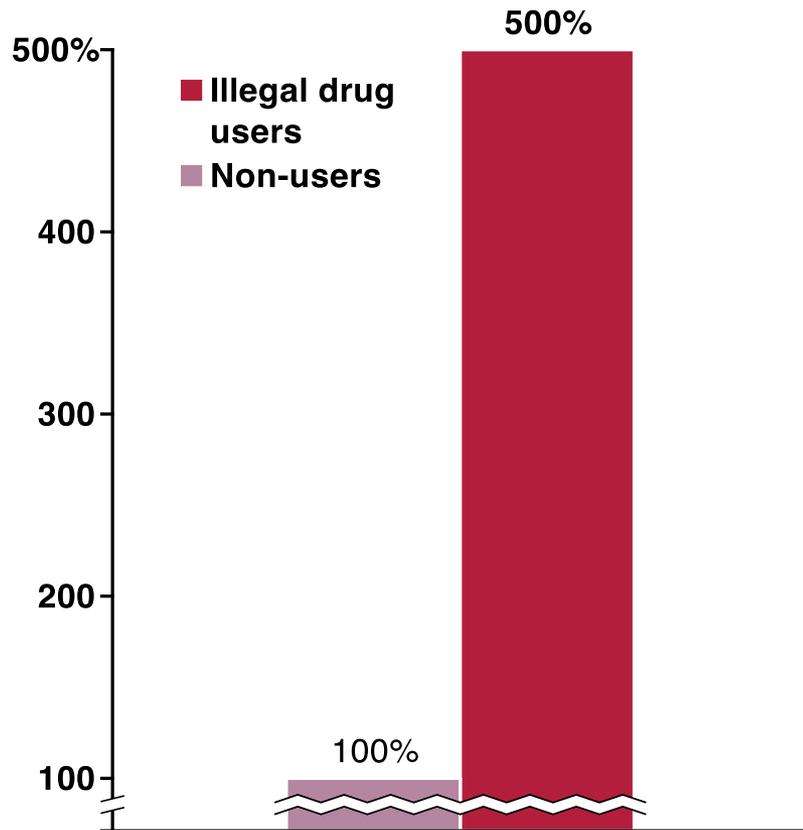
Pot users create cause far more disciplinary and safety problems at the workplace than non-users

Incidence of problem compared to control group

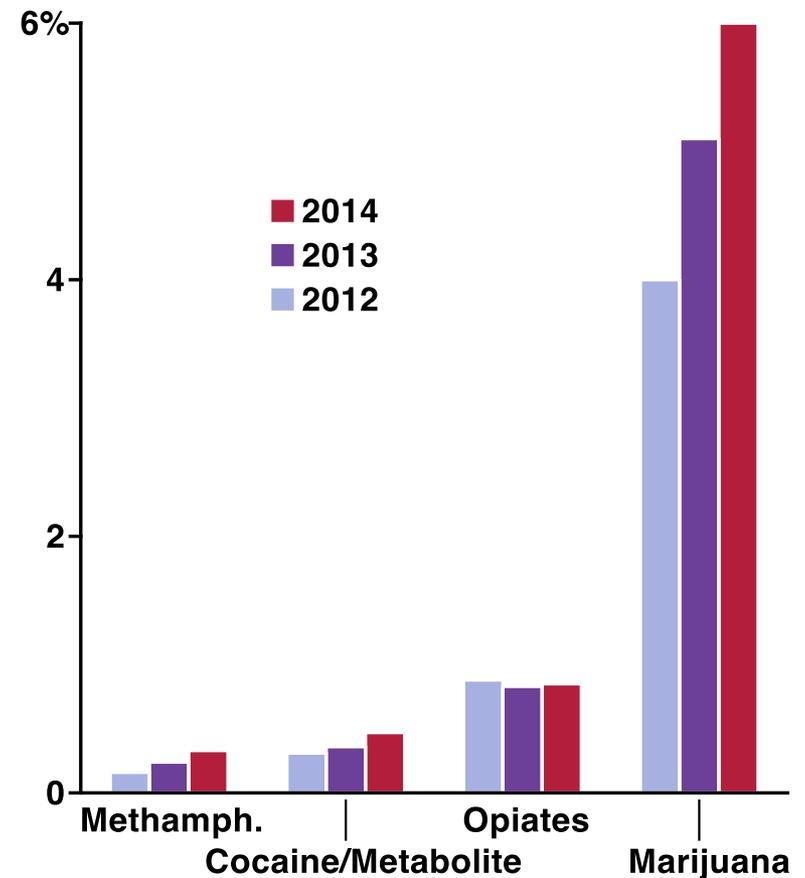


Illicit drug users are 5x more likely to file workers' comp claims, with pot as the most-used drug

RELATIVE FREQUENCY OF WORKERS' COMP CLAIMS

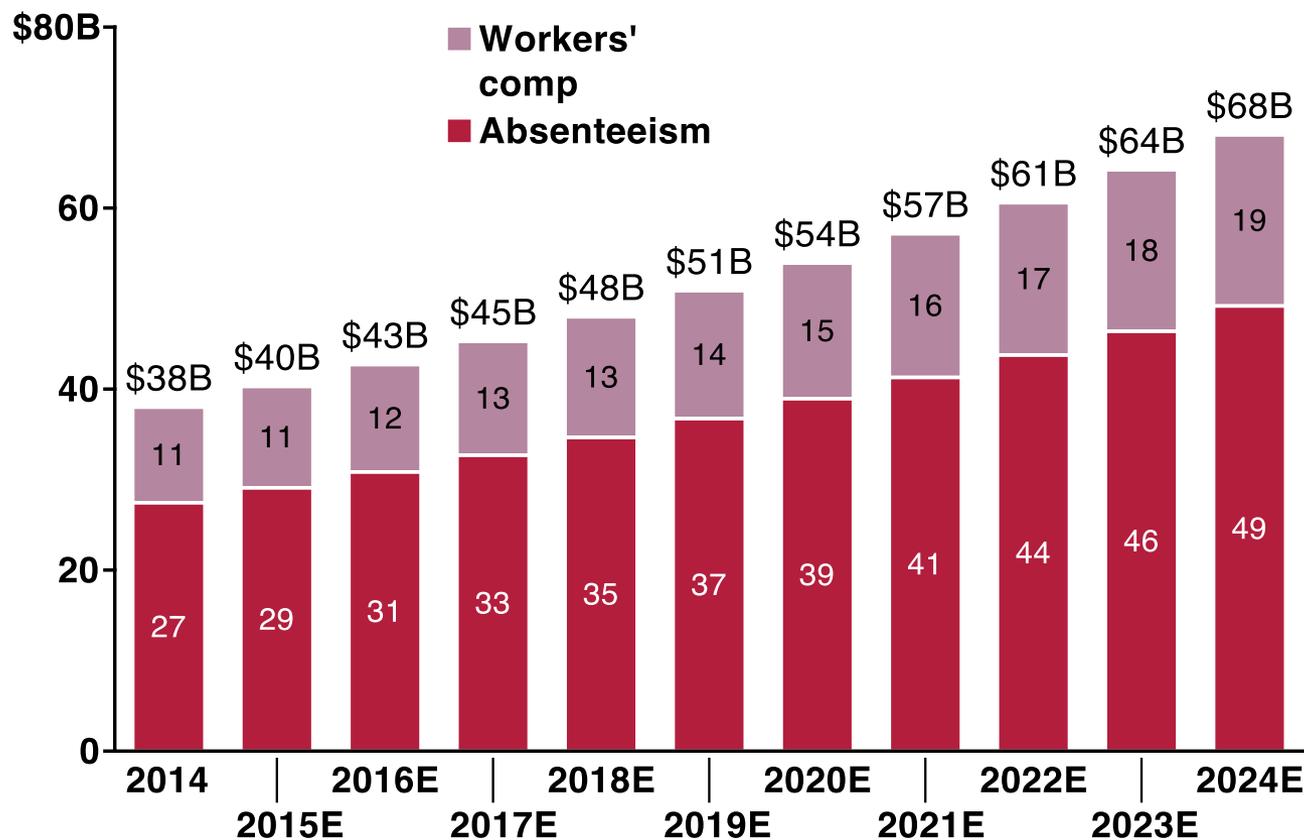


% OF POSITIVE DRUG TESTS (ORAL SWAB) IN GENERAL WORKFORCE



More injuries & absenteeism may cost the U.S. economy \$68B by 2024—for FT employees alone

Additional potential direct costs to employers due to marijuana use by full-time employees



And if, in 2024, people use pot at the rate...

...that they use tobacco now, the cost could be up to:



\$79.9B

...that they use alcohol now, the cost could be up to :



\$286.4B

...for full-time employees alone

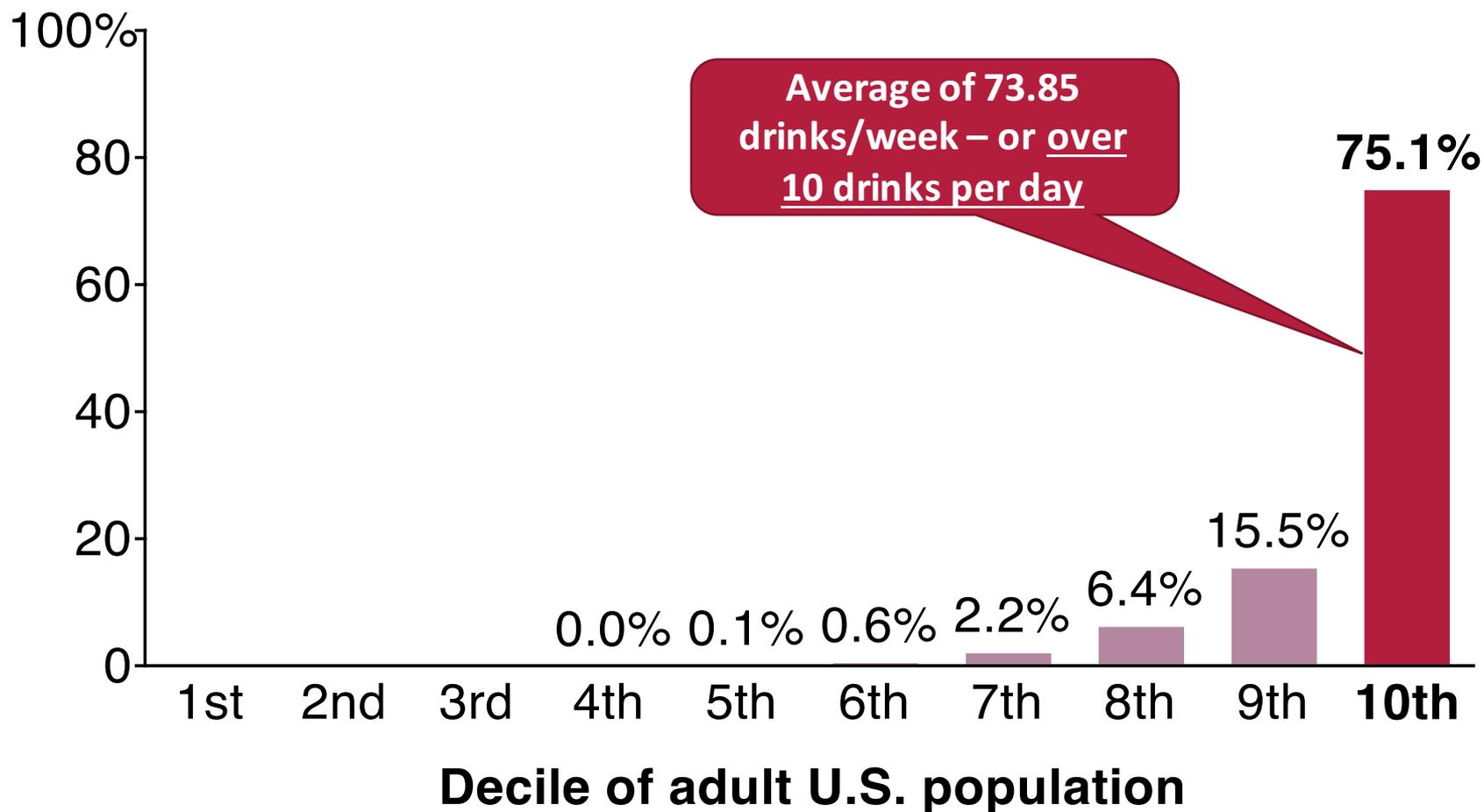
Not just marijuana: Advocates often supports the legalization of all drugs

“We're at a tipping point where it's starting to feel like marijuana legalization is no longer a question of if -- but when. But what about the other drugs?...Many of the reasons why marijuana legalization makes sense can be applied to drugs more generally.”

-HuffPost, Drug Policy Alliance

Alcohol companies depend on heavy drinkers to make money

% of total U.S. alcohol consumed



Colorado didn't legalize pot overnight



Denver legalizes possession

**700 stores
3.5% adults have
MMJ license**

Recreational stores open



2001

2005

2007-8

2009

2012

2014

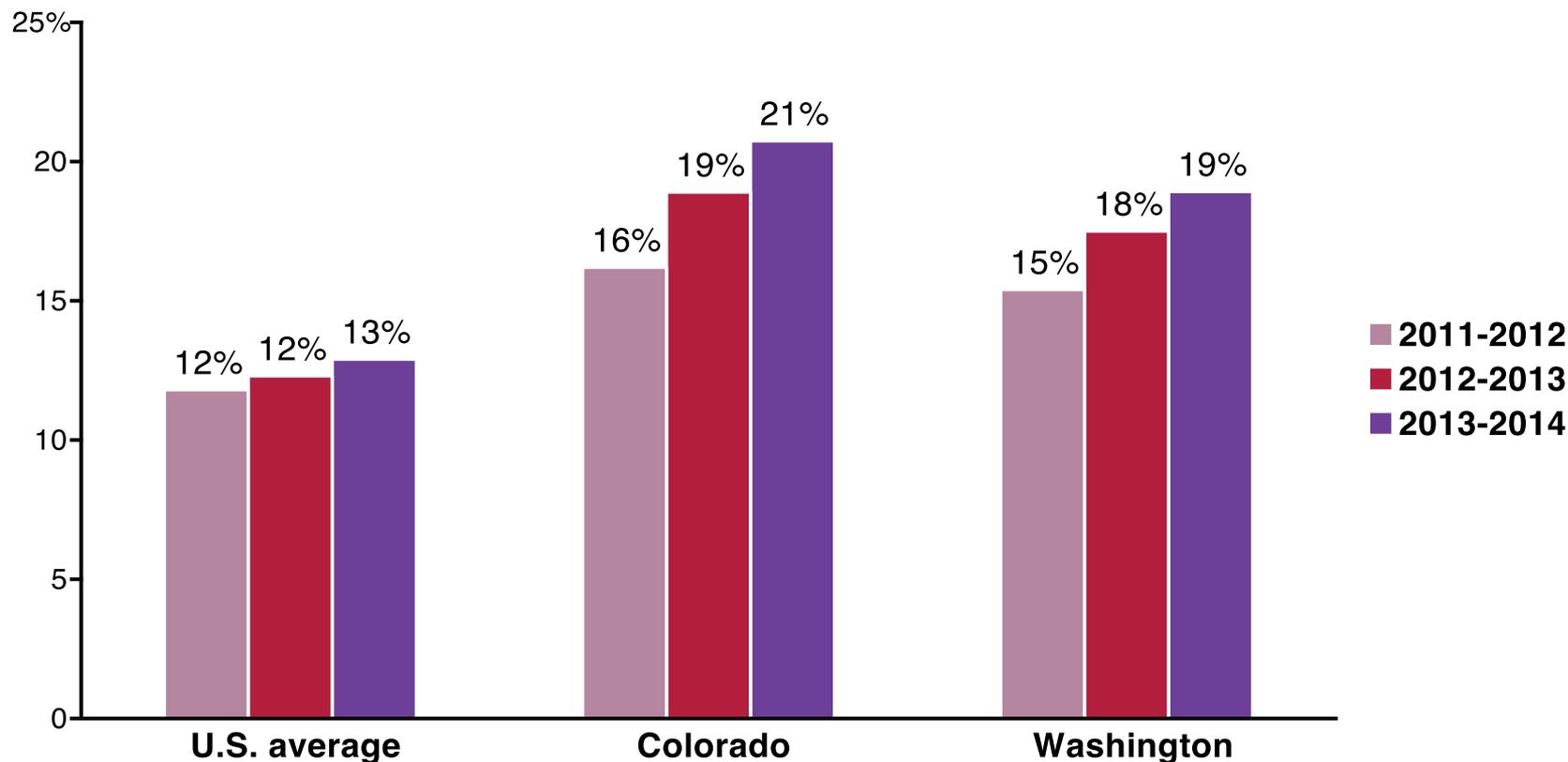
Medical marijuana permitted

1st marijuana stores

Legalized

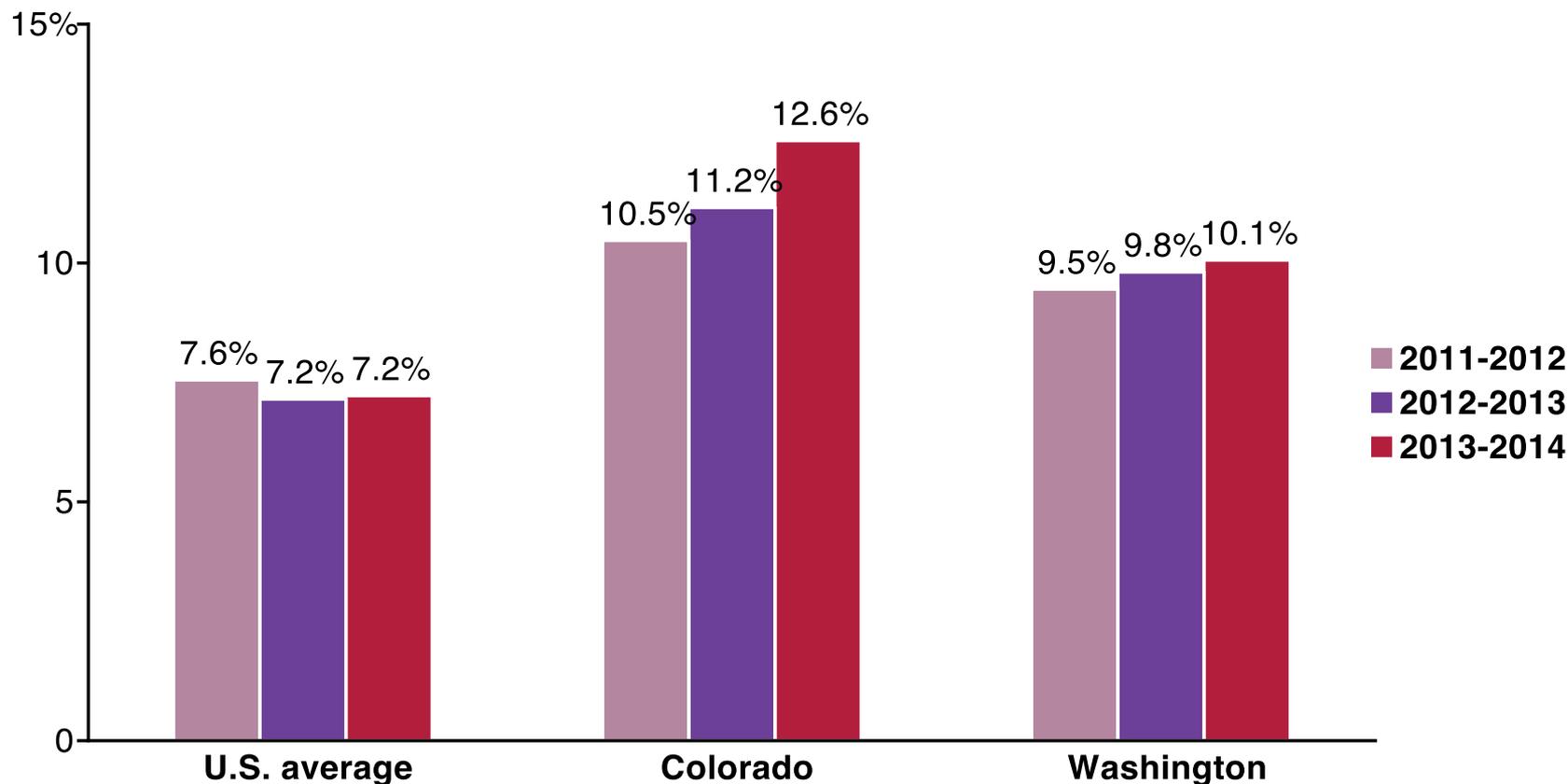
Use in CO and WA are both (A) higher than and (B) rising faster than the national average

Percentage of population ages 12 and up who used marijuana in the past year



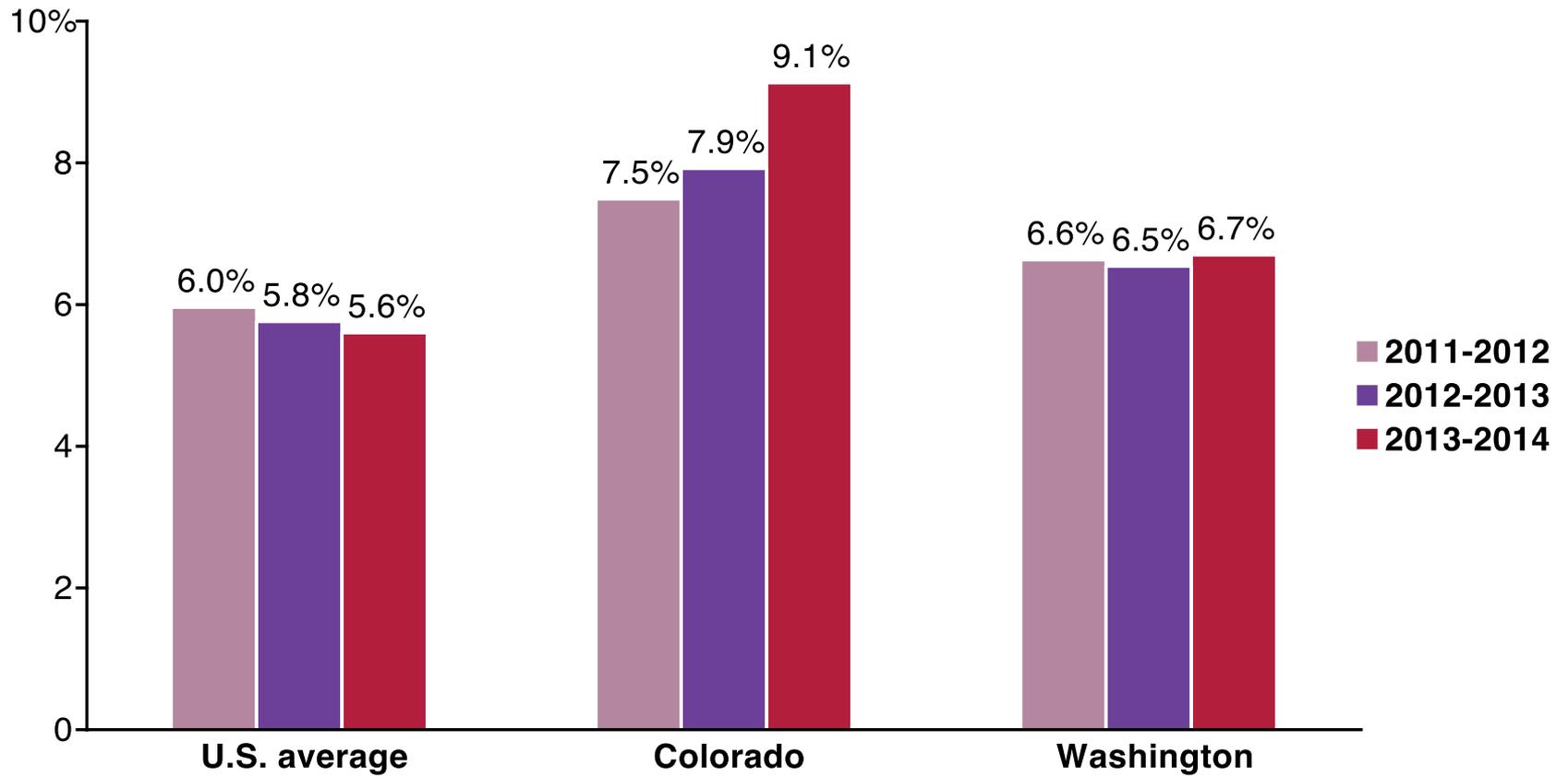
The same trend is seen with last month use among minors (ages 12 to 17)

% of population ages 12-17 using marijuana in past month



First use, ages 12-17

% of population ages 12-17 using marijuana for the first time



Source: NSDUH

Accidental ingestion by children has risen sharply

- Between 2008 and 2011, an **average of 4 children between the ages of 3 and 7 were sent to the ER** for unintentional marijuana ingestion.
- In 2013, **eight children went to the CO children's hospital** for accidental ingestion
- In the first half of 2014, at least 14 children had already been sent to the ER for accidentally ingesting marijuana products -- **more than doubling from the year before**



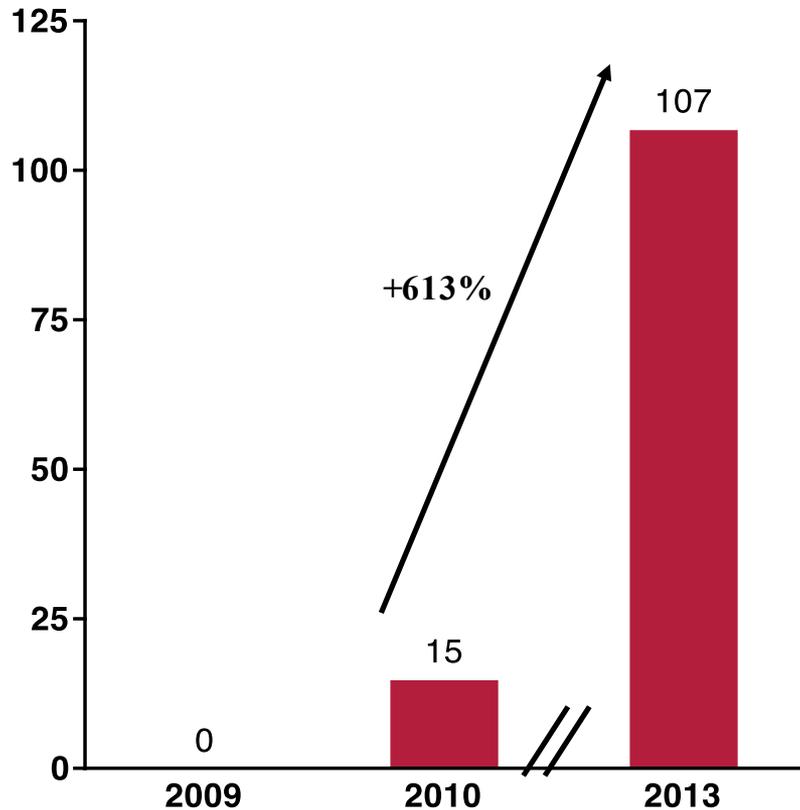


Marijuana-related poisonings are up in Washington

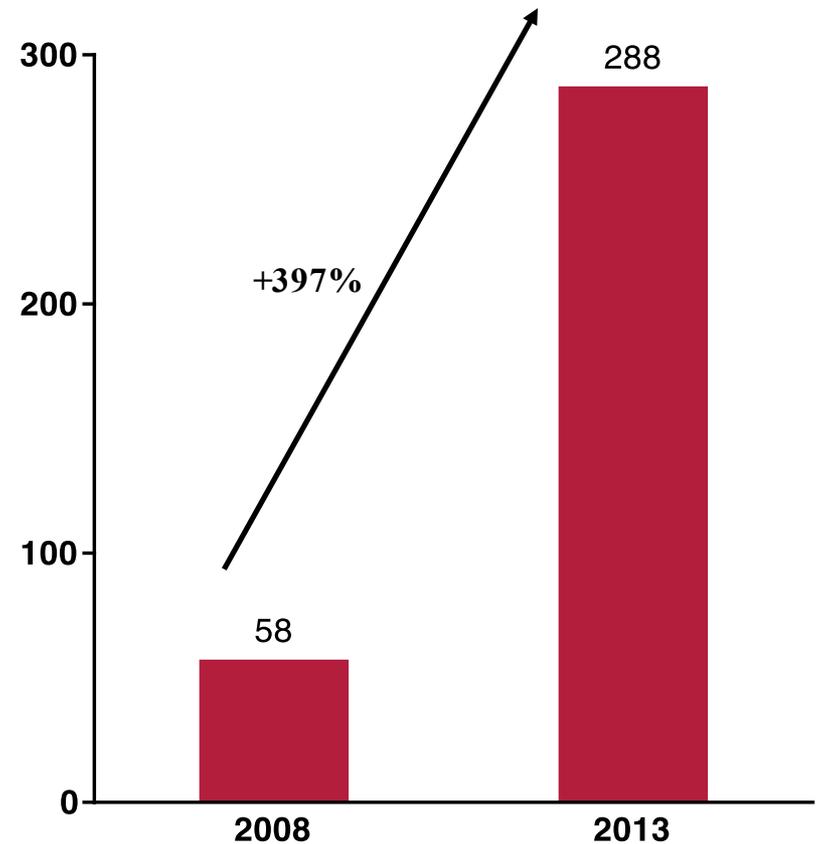
- Since the state legalized recreational use, the Washington Poison Center has seen an **increase in the number of human exposures related to accidental or excessive consumption/inhalation of marijuana and marijuana edibles**, particularly among pediatrics

Colorado marijuana is regularly diverted to other states since its legalization referendum passed

of packages from CO containing marijuana intercepted by the U.S Postal Service

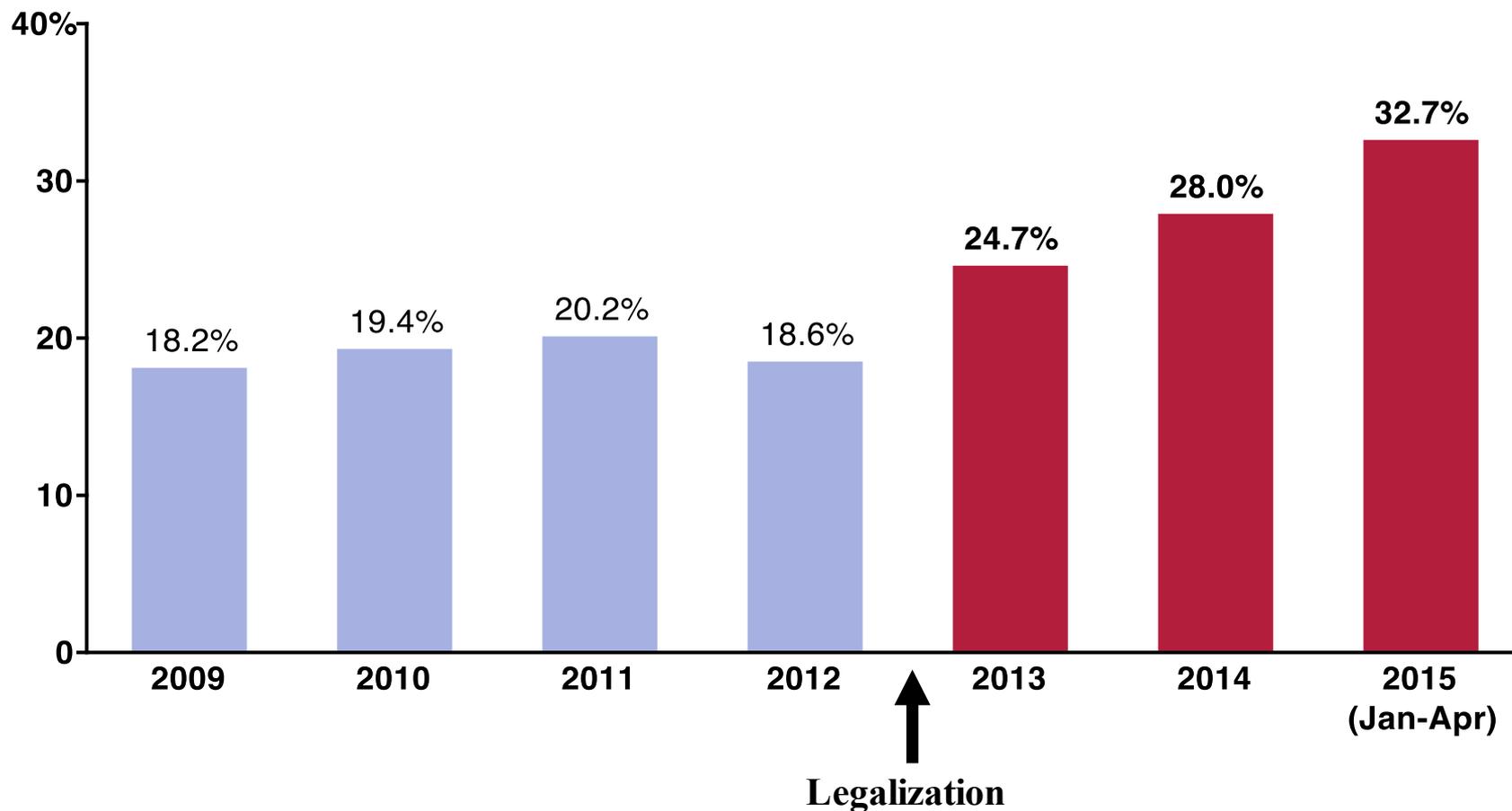


Highway interdictions resulting in seizures of CO marijuana



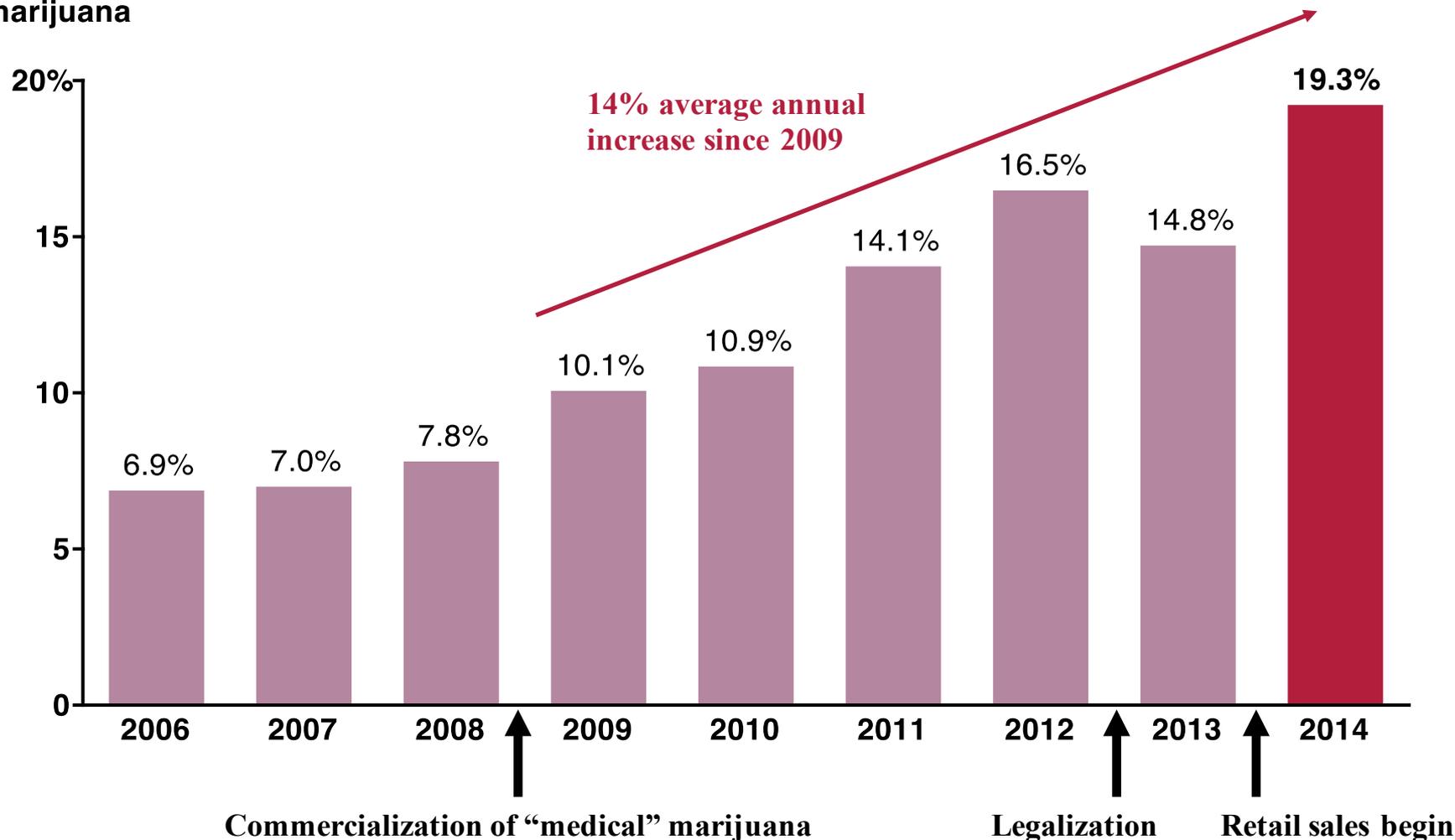
Pot has had an increasing impact on DWIs in WA post-legalization—1/3 of cases now test positive

Percentage of total DUI/DRE cases testing positive for THC* in Washington state



In almost one of every five traffic fatalities in CO, the driver has been using marijuana

CO traffic fatalities where driver tested positive for marijuana



Drug use is forcing CO employers to hire out-of-state employees instead of CO citizens



- “Jim Johnson [construction company GE Johnson’s CEO]...said his company has encountered **so many job candidates who have failed pre-employment drug tests** because of their THC use that **it is actively recruiting construction workers from other states.**”

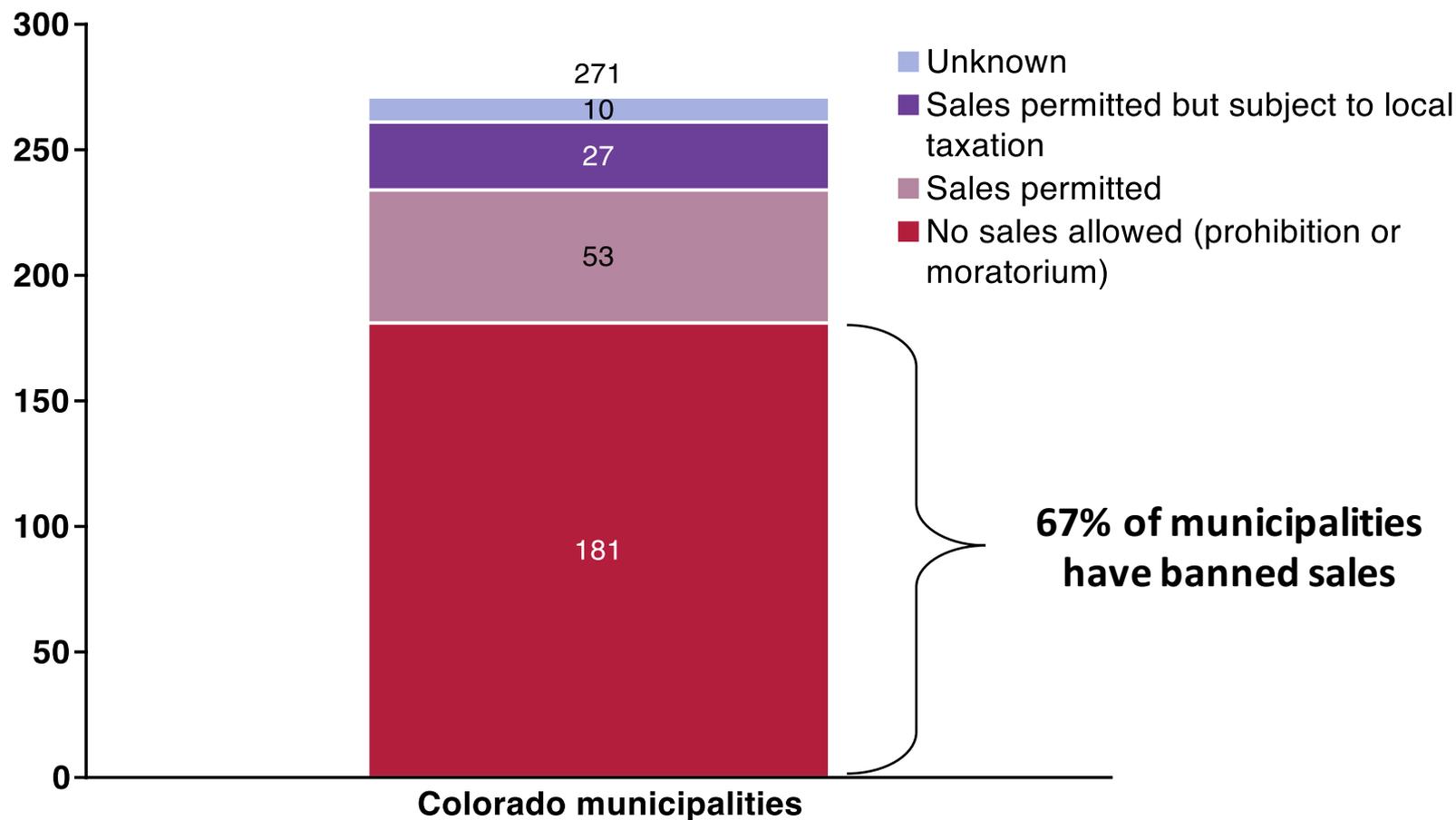
Colorado job applicants show alarming rates of marijuana use, and attempt to cheat drug tests

- “Leona Wellener, owner of Front Range Staffing in Colorado Springs, said marijuana use has compromised the state’s workforce. In February, Wellener said, **more than half the applicants who came to her company looking for work failed the required drug tests because of THC use.**”



Well over half of Colorado municipalities have banned marijuana sales since legalization

Legal status of retail marijuana sales in CO municipalities



Agenda

1 About SAM & About Marijuana

2 Potential messaging regarding NV marijuana initiative

3 Caveats & suggested next steps

Voters on “recreational” marijuana initiatives have tended to share 10 issues of concern

1

Low proposed tax rate:

- ✓ Compared to state tobacco & spirits tax rates
- ✓ Compared to other legalized states

2

Industry preferences:

- ✓ “First-to-market” advantage
- ✓ Price-fixing/supply restrictions
- ✓ Restrictions on home-grow near retail stores

3

Industry capture of reg. agency:

- ✓ Composition of controlling authority
- ✓ Ban on “unreasonably impracticable” regs

4

Weak penalties for underage use:

- ✓ Compared to alcohol
- ✓ Compared to other legalized states

5

Weak “open container” penalties:

- ✓ Compared to alcohol
- ✓ Compared to other legalized states

6

Weak DUID penalties:

- ✓ Compared to alcohol
- ✓ Compared to other legalized states

7

Proposed use of tax revenues:

- ✓ Will anything be left over after enforcement costs?
- ✓ Who will get the money?

8

Law allows edibles

9

Law allows concentrates

10

Broader health concerns about pot:

- ✓ *E.g.*, Lowers IQ; increases underage use; lower school performance; higher drop-out rates

The Nevada initiative heavily favors industry and raises 8 of the 10 issues

1

Low proposed tax rate:

- ✓ Compared to state tobacco & spirits tax rates
- ✓ Compared to other legalized states

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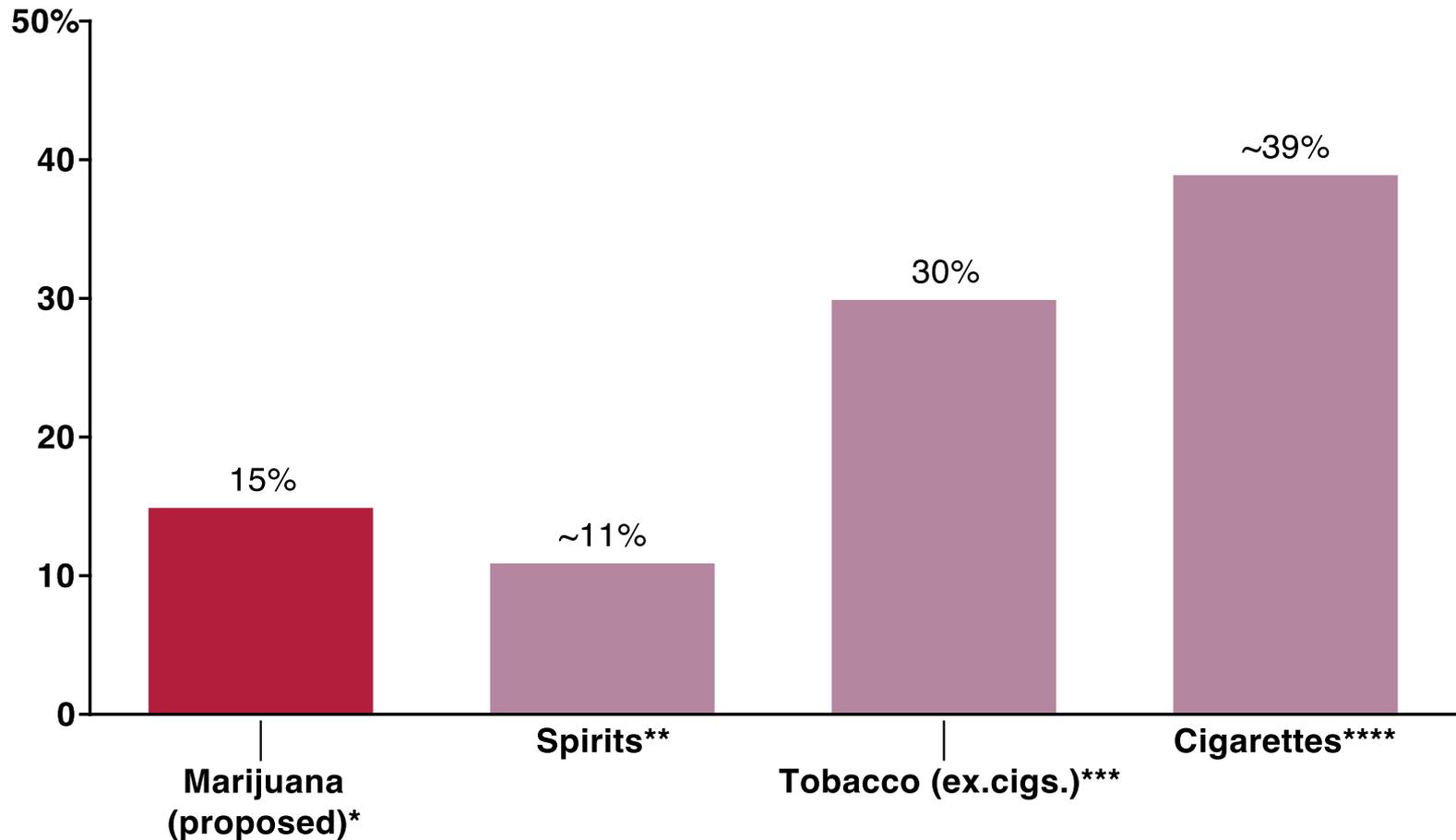
Broader health concerns about pot:

- ✓ *E.g.*, Lowers IQ; increases underage use; lower school performance; higher drop-out rates

1

The Nevada initiative would tax pot far less than tobacco (but at about the same level of alcohol)

Nevada excise taxes



2

The Nevada initiative provides competitive advantages to the pot and alcohol industries



Criminalizes home cultivation w/in 25-mile radius of retail pot shops

Penalties can result in prison and felony convictions for multiple violations:

- **1st violation:** a misdemeanor punished by a fine of not more than \$600.
- **2nd violation:** a misdemeanor punished by a fine of not more than \$1,000.
- **3rd violation:** a gross misdemeanor (imprisonment up to 364 days, fine up to \$2,000, or both).
- **4th or subsequent violation:** a category E felony (imprisonment from 1 to 4 years, fine up to \$5,000, or both).

Additional advantages to industry:

- **Very limited local control:** Does not appear that localities can ban marijuana establishments within their jurisdictions
- **Alcohol wholesalers get a “first-to-market” advantage in obtaining distribution licenses** in the first 18 months of licensing activities
- **“Medical” marijuana businesses get a “first to market” advantage in obtaining licenses for retail sales, manufacturing, and cultivation** in the first 18 months of licensing activities
- No regulations can make operation of a marijuana business **“unreasonably impracticable”**

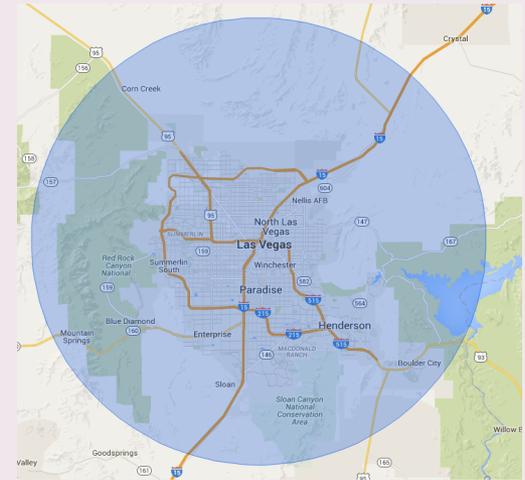
2

The home-grow ban would effectively criminalize home cultivation in all urban areas

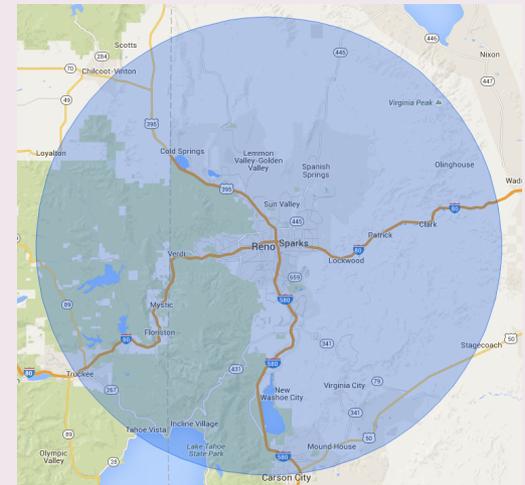
Just one retail marijuana store in the center of any major city would exclude home grow from the entire metro area



Las Vegas: 25-mile zone would extend to Hoover Dam



Reno: 25-mile zone would extend to north end of Lake Tahoe



- ④ Penalties for underage use & “open container” may
- ⑤ be more lax for pot than for alcohol



Minor in possession (MIP)	Type of offense	<ul style="list-style-type: none"> Initiative does not mention specific charges for MIP violations 	<ul style="list-style-type: none"> Criminal misdemeanor (NRS §§202.020 & 193.150)
	Penalty	<ul style="list-style-type: none"> Unclear what impact initiative would have on MIP of marijuana Current law provides for fine of up to \$600 for first offense (of up to 1 ounce) (NRS § 453.336) 	<ul style="list-style-type: none"> Fine up to \$500 and/or jail up to 6 months
“Open container”	Type of offense	<ul style="list-style-type: none"> Criminal misdemeanor (but <i>only</i> for consumption in a moving vehicle; simply having an open container appears legal) (§14 of initiative) 	<ul style="list-style-type: none"> Criminal misdemeanor (NRS §§484B.150 & 193.150)
	Penalty	<ul style="list-style-type: none"> Fine up to \$500 	<ul style="list-style-type: none"> Fine up to \$500 and/or jail up to 6 months

- ⑧ Initiative allows for commercial sale & home
- ⑨ production of pot edibles and concentrates

Edibles



- Retail sale and home manufacture permitted
- No health or safety restrictions related to the higher risk these products pose

Concentrates



- Retail sale permitted
- Home mfg. via “chemical extraction” banned but unclear whether that would cover all forms of home production
- No other health & safety restrictions

10

Traditional messaging on harms of marijuana can still be used, but with caution

A MOUNTING NUMBER OF STUDIES SHOW CLEAR RISKS OF POT USE

- Link with loss of up to 8 IQ points
- Impairment of memory and attention
- Increased risk of schizophrenia and other mental disorders
- Increased chance of suicide
- Higher drop-out rate
- Lower grades/educational achievement
- Higher chance of unemployment & welfare dependence

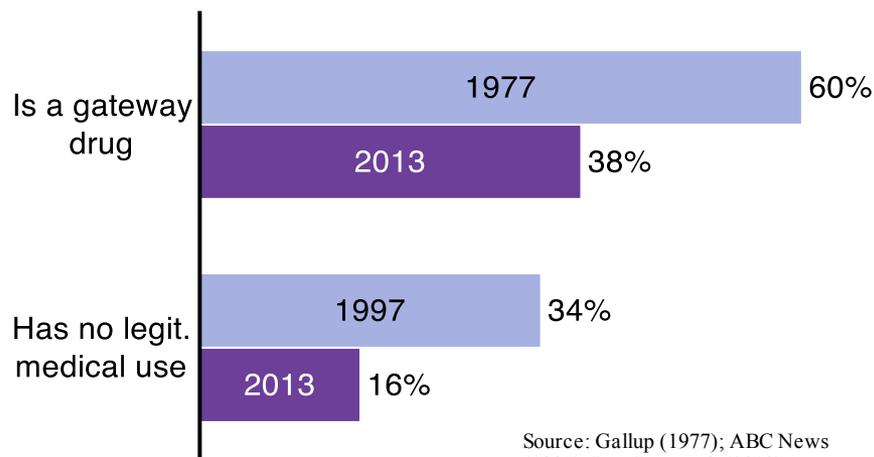
...BUT DESPITE ITS TRUTH, THIS MESSAGE DOES NOT RESONATE WITH THE PUBLIC AS IT ONCE DID

Most now view alcohol as more harmful



Source: Pew Research (2014)

Do you think marijuana...

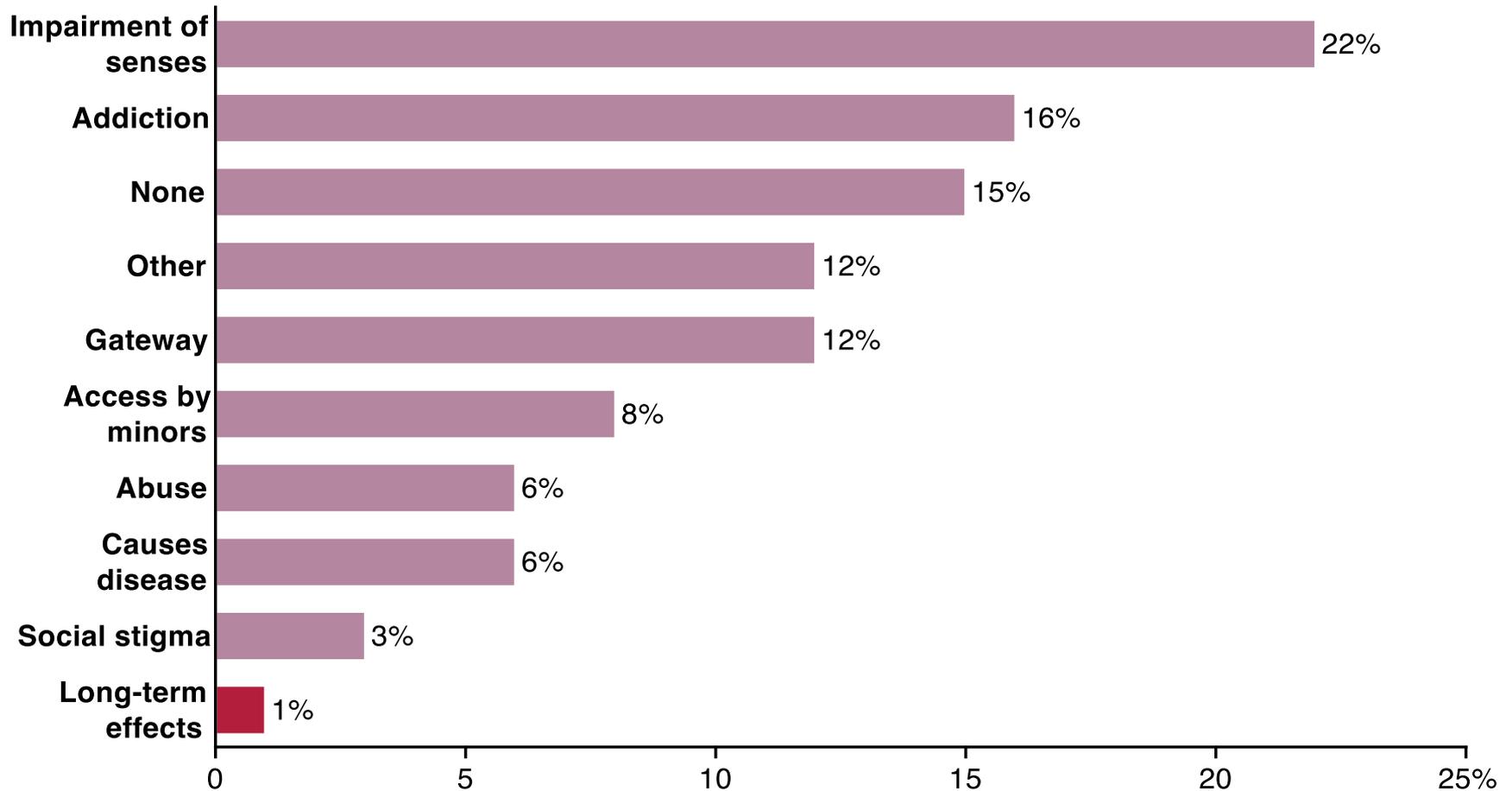


Source: Gallup (1977); ABC News (1997); Pew Research (2013)

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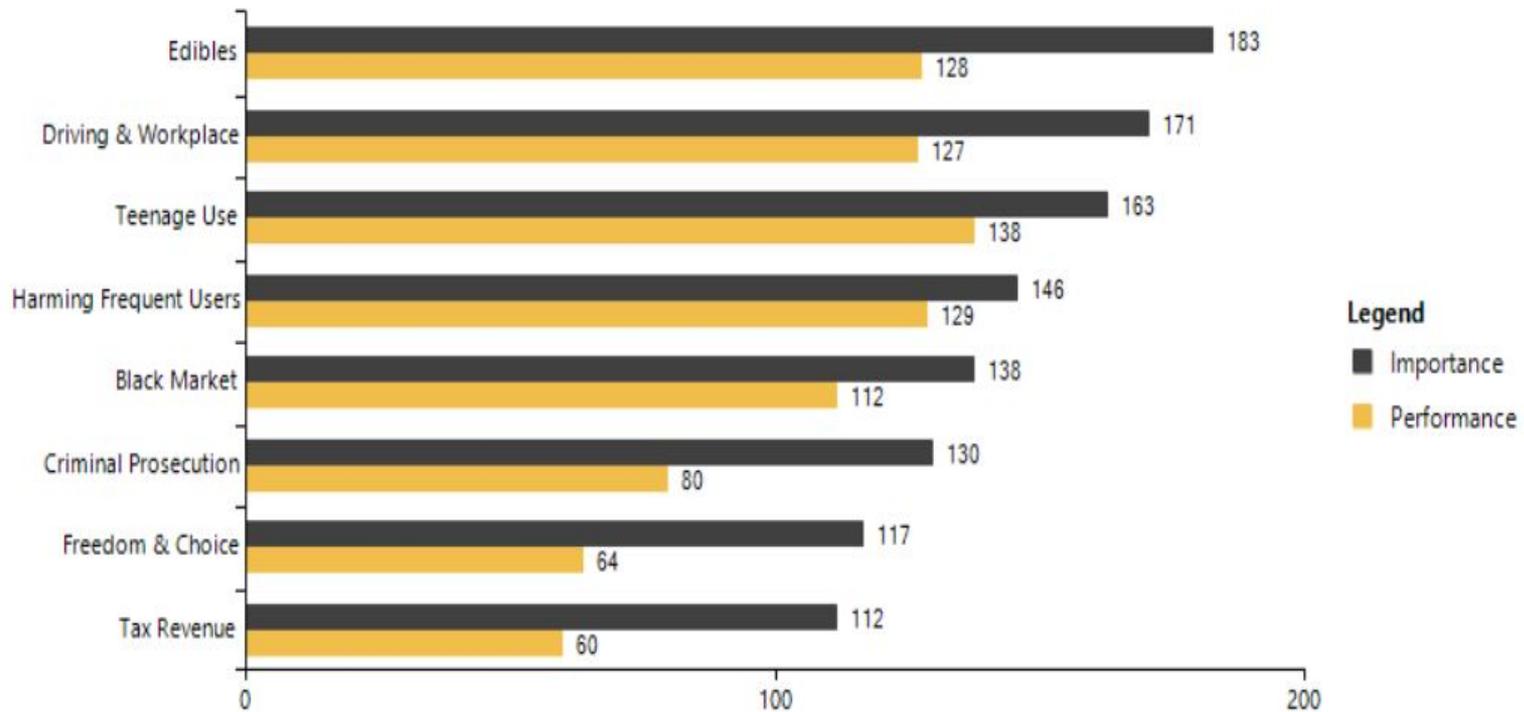
Indeed, the long-term effects of marijuana use appear to worry people the least

What is your biggest concern about marijuana use?



Colorado's experience

Respondents heard from a list of issues surrounding the issue of legalizing marijuana. They first rated the importance of each issue to them, and then they rated the performance of the 2012 law in each area.



California: making the case for legalization

Top reasons to legalize:

- Ending the “War on Drugs” -- 67.1%
- Ending the Drug Cartels -- 64.4%
- Bring in New Revenues -- 61.5%

California: making the case against legalization

Top reasons not to legalize:

- Annoyance -- 67.4%
- Impact on schools -- 66.4%
- Driving -- 65.7%
- Colorado experience -- 65.5%

Agenda

- 1 About SAM & About Marijuana
- 2 Potential messaging regarding NV marijuana initiative
- 3 Caveats & suggested next steps

Areas to focus on

Given victories in Ohio and what we know from other state polls, and Nevada's proposed law, **these are some areas to investigate via state polling**



Public Health/Nuisance

Should Nevadans allow pot gummy bears to be sold?

Should Nevadans allow people to openly smoke pot?

Industry giveaway

Should Nevadans turn legal marijuana over to the alcohol industry?

Should Nevadans allow heroin dealers to get into the legal pot business?

Should the pot industry be able to make home-growing marijuana a felony?

In SAM's experience, messaging around corporate influence and edibles has had the best impact

- Colleagues from Ohio, in particular, said that the public responded best to **messaging over outsize industry influence/“corporate takeover” of marijuana, and on the issue of edible marijuana products**
- Nonetheless, **we recommend caution when applying these results in Nevada**; without local polling it is dangerous to make too many assumptions
- It is also important to seek out and/or target messages at **voters who support legalization in principle but may not like the current initiative** (and thus be convinced to vote against it)

Five basic takeaways

- Today's marijuana is addictive
- Today's marijuana is harmful, perhaps in long-term and irreversible ways
- Legalization → commercialization
- Are you comfortable with the edibles that dominate the commercial marijuana market?
- Do you want a pot store in your community? Near your school? Near day care centers?

SAM Summit: March 31 in Atlanta, GA

Speakers include:

- Chuck Rosenberg, Acting Administrator, Drug Enforcement Administration
- Dr. Stephen Ostroff, Former Acting Commissioner, Food and Drug Administration
- Fran Harding, Director of the Center on Substance Abuse Prevention at the Substance Abuse and Mental Health Administration (SAMHSA)



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