

July 14, 2021

The Honorable Chuck Schumer
Majority Leader
United States Senate
Room S-221, The Capitol
Washington, DC 20510

The Honorable Cory Booker
Senator From New Jersey
717 Hart Senate Office Building
Washington, DC 20510

The Honorable Ron Wyden
Senator From Oregon
221 Dirksen Senate Office Building
Washington, DC 20510

Dear Senate Majority Leader Schumer, Senator Wyden, and Senator Booker:

We understand your concern about the need to address the harms of current marijuana policies, particularly toward members of low-income communities and Black and indigenous people of color. The “War on Drugs” led to disproportionate impacts we must address with proactive, legislative reform, and your leadership on this front is to be applauded.

We agree with you that decriminalization of low-level marijuana possession, expungements, and expanded research into the medical benefits of the drug are vital. We are also proud to see that this is the position of the Biden-Harris Administration.

In considering marijuana legislation, however, we also believe it is critical to address three concerning trends in states that have legalized the commercial sales, production, possession of marijuana.

First and foremost is the troubling rise of marijuana potency. States allowing the marijuana industry to produce and market products are seeing candies, vaping oils, concentrates such as dabs, and other forms of extremely high potency products. To date, the market share of such concentrated marijuana products is rapidly growing and products featuring THC – the main, psychoactive component of the substance – levels upwards of 90% are commonplace on the shelves of marijuana dispensaries.ⁱ

Concerningly, these products are increasingly popular among youth. In Colorado, the use of marijuana dabs among youth rose five-fold since 2017, while the use of marijuana vapes doubled.ⁱⁱ Increasing use of high potency cannabis in adolescents and young adults is concerning because it is associated with increased risk of addictionⁱⁱⁱ and with development of psychosis.^{iv}

This fact builds upon the second area of concern: states that commercialized the drug are seeing rising rates of youth use, hospitalizations, poison center calls, and other negative outcomes related to the drug.^v

Once again pointing to the example of Colorado, children under the age of 15 increased their use of marijuana by 15% over the past two years.^{vi} California, Nevada, and Oregon also saw 20% and higher increases in youth use over the past two years.^{vii} Keeping the drug away from youth is key to any successful legislation, given the known harm marijuana use poses to developing brains across development, from in utero exposure to adolescence, and other vulnerable populations like pregnant and breastfeeding women.

Third, tobacco companies are positioning themselves for a significant takeover of the marijuana industry. Altria, the owner of Phillip Morris, has invested over \$2 billion (along with a \$14 billion stake in Juul).^{viii} They are now actively lobbying for legalization at the state and federal level.^{ix} Additional international tobacco companies to invest in the marijuana space include: Imperial Brands, the fifth-largest tobacco company on earth, as well as British American Tobacco.

Given our nation's disastrous history with tobacco and the millions of lives lost, legislation must be written to severely limit or even eliminate their potential influence. The alcohol industry is also positioning themselves in this space.

We, as a society, know from painful experience that the business model for the tobacco industry is based on addiction. We see no evidence they would approach the marijuana issue any differently. Minimizing access to and use of marijuana by those under age 21 is critical in order to minimize the harm to these adolescents and young adults by addiction to cannabis.

Given these considerations, though we prefer decriminalization and education, if marijuana were to be legalized entirely for the commercial market, we request that any marijuana legislation at the federal level start with public health and social justice concerns and include rigorous regulations to protect safety of youth and the public. The following regulations may be a starting place:

1. A cap on marijuana potency of 10-15%.
2. A ban or severe limitations on advertising the drug.
3. Banning any form of flavored or child-friendly products such as flavored vapes and candies which proliferate today.
4. Exclusion of tobacco and alcohol industry influence and ability to monopolize the market.

We appreciate your consideration of our concerns and welcome the opportunity to discuss them further with you.

Sincerely, the undersigned:

Hoover Adger, Jr, M.D., M.P.H.
Director, Adolescent Medicine

Professor of Pediatrics
Johns Hopkins University School of Medicine

Judge Arthur L. Burnett, Sr.
First Black United States Magistrate Judge
Executive Director, National African American Drug Policy Coalition

Eden Evins, M.D., M.P.H.
Cox Family Professor of Psychiatry, Harvard Medical School
Founding Director, Center for Addiction Medicine, Massachusetts General Hospital

Jodi Gilman, Ph.D.
Associate Professor of Psychiatry, Harvard Medical School
Director for Neuroscience, Center for Addiction Medicine, Massachusetts General Hospital

Sion Kim Harris, Ph.D., C.P.H.
Co-Director, Center for Adolescent Behavioral Health Research
Division of Adolescent/Young Adult Medicine, Boston Children's Hospital
Associate Professor, Department of Pediatrics, Harvard Medical School

Marilyn A. Huestis, PhD
Institute of Emerging Health Professions, Thomas Jefferson University

Yifrah Kaminer, M.D., M.B.A.
Professor of Psychiatry, University of Connecticut School of Medicine
Professor of Pediatrics, Connecticut Children's Medical Center's Injury Prevention Center

Christine Miller, Ph.D.
Former Research Associate
Johns Hopkins School of Medicine

Kimber P. Richter, Ph.D., M.P.H.
Professor and Director, UKanQuit
KUMed Hospital Tobacco Treatment Service

Christian Thurstone, M.D.
Associate Professor of Psychiatry, University of Colorado, Denver

Aaron Weiner, Ph.D., A.B.P.P. Licensed Clinical Psychologist Owner, Bridge Forward Group LLC

Kathryn Wells, MD
Associate Professor of Pediatrics, University of Colorado

- ⁱ Lindsey, N (2018) The 12 Most Potent THC Concentrates. *High Times*. <https://hightimes.com/dabs/most-potent-thc-concentrates/>
- ⁱⁱ Colorado Department of Public Health and Environment. 2019. *Healthy Kids Colorado Survey*. [Online] Available at: <https://cdphe.colorado.gov/center-for-health-and-environmental-data/survey-research/healthy-kids-colorado-survey-data>
- ⁱⁱⁱ Volkow ND, Baler RD, Compton WM, Weiss SR. Adverse health effects of marijuana use. *New England Journal of Medicine*. 2014;370(23):2219-2227. doi:10.1056/NEJMra1402309
- ^{iv} Di Forti M, Quattrone D, Freeman T, Tripoli G, Gayer-Anderson C, Quigley H, Rodriguez V, et al. The Contribution of Cannabis Use to Variation in the Incidence of Psychotic Disorder Across Europe (EU-GEI): A Multicentre Case-control Study. *The Lancet Psychiatry* 2019;6(5): 427–436
- ^v Smart Approaches to Marijuana. (2020) Lessons Learned from State Marijuana Legalization. <https://learnaboutsam.org/wp-content/uploads/2020/12/2020-Impact-Report1.pdf>
- ^{vi} Colorado Department of Public Health and Environment. 2019. *Healthy Kids Colorado Survey*. [Online] Available at: <https://cdphe.colorado.gov/center-for-health-and-environmental-data/survey-research/healthy-kids-colorado-survey-data>
- ^{vii} Substance Abuse and Mental Health Services Administration. (2020). National Survey on Drug Use and Health 2019, Comparison of 2017-2018 and 2018-2019 Population Percentages (Table 2). <https://www.samhsa.gov/data/sites/default/files/reports/rpt32806/2019NSDUHsaeShortTermCHG/2019NSDUHsaeShortTermCHG/2019NSDUHsaeShortTermCHG.pdf>
- ^{viii} La Monica, P. (2018) Marlboro owner Altria invests \$1.8 billion in cannabis company Cronos. *CNN Business*. <https://www.cnn.com/2018/12/07/investing/altria-cronos-investment-marijuana/index.html>
- ^{ix} Roberts, C. (2021) How Tobacco Giant Altria is Becoming a Cannabis Company. *Forbes*. <https://www.forbes.com/sites/chrisroberts/2021/02/09/tobacco-giant-altria-is-pushing-marijuana-reform-on-congress-and-state-lawmakers/?sh=72da98760417>