

EXAMINING THE EXTENT TO WHICH CANNABIS PROVISIONS HAVE BEEN
INCORPORATED INTO NEW OR EXISTING CITY-LEVEL SOCIAL HOST ORDINANCES
IN CALIFORNIA AND COLORADO

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Introduction:

State-level legislation permitting recreational and medicinal cannabis use continues to be adopted across the United States. California and Colorado are two states that have legalized recreational use of cannabis for adults aged 21 years and older and medicinal use programs for individuals who have a physician's recommendation (Hanson, 2022). However, for youth and young adults under 21 years of age, recreational use or use without a physician's recommendation is prohibited. Based on the results from the 2020 Monitoring the Future National Survey, 6.5% of 8th graders, 16.6% of 10th graders, and 21.1% of 12th graders reported marijuana use in the last 30 days (Johnston et al, 2020). Simultaneous use of alcohol and marijuana is common among youth and is associated with increased risks of experiencing any and more adverse consequences compared to those who use alcohol only, with their effects overlapping (Egan, 2019; Jackson, 2020; Lee, 2017). Efforts to prevent cannabis use and associated risks, especially when cannabis is used simultaneously with alcohol, are needed for youth and young adults under 21 years of age.

Alcohol and marijuana are often used simultaneously so assessing literature on alcohol and its prevention may provide insight on addressing cannabis use. Various strategies to address the social availability of alcohol and underage drinking have been implemented including social host ordinances, public policies that hold noncommercial providers of alcohol responsible for furnishing alcohol to underage persons as well as applying liability to those who host or allow

underage drinking on property they own or lease (Wagoner, CSLEP, 2005). According to Stout, Sloan, Liang, and Davies (2000), individuals living in states with social host ordinances were significantly less likely to report heavy episodic drinking than those who live in states without these laws. The main purpose of these laws is to deter underage drinking parties to reduce the associated risk of binge drinking and alcohol related consequences. Social host ordinances are a potential policy that can be implemented or expanded by communities to address cannabis use. The overall purpose of this study is to examine the extent to which social host ordinances with cannabis provisions have been incorporated into new or existing city-level social host ordinances in California and Colorado as an underage cannabis use prevention measure.

Background:

Legalization of Cannabis:

In the United States, distribution of cannabis is illegal under federal law. Although at the federal level cannabis remains a Schedule I substance, the U.S. Department of Justice released a statement saying they “defer the right to challenge their legalization laws at this time” and will rely on states to create strong state-based enforcement efforts (Hanson, 2022). Thus, in recent years, many states have passed state-level legislation permitting recreational and medicinal cannabis use continues to be adopted across the United States. Legalization of cannabis is the process by which a legal prohibition is removed from the recreational and/or medicinal use of cannabis for individuals above a certain age. Colorado and Washington became the first two states to legalize recreational use of marijuana in 2012 (Wallace et al, 2019). Currently, in the United States, 18 states have legalized medical and recreational use of marijuana, 19 states have legalized medicinal only use of marijuana, and 13 in states marijuana possession and use remains

illegal (Hanson, 2022). Both California and Colorado have legalized medicinal and recreational use of marijuana. Marijuana use prevalence is higher among youth and young adults in states with medicinal and/or recreational legalization (Wallace et al, 2019). These legislative changes may result in decreases in perceived harm and changes in normative beliefs increasing cannabis support leading to increased marijuana use and related consequences (Wallace et al, 2019). This was examined in a study that analyzed decriminalization as a risk factor for future increase in marijuana acceptance and youth in California compared to other U.S. states during the years before and after California passed its marijuana decriminalization legislation (Miech et al, 2015). This study found that California youth, when compared to their peers in other states were 25% more likely to have used marijuana in the past 30 days, 20% less likely to perceive regular marijuana use a great health risk, 20% less likely to strongly disprove of regular marijuana use, and 60% more likely to intend to be using marijuana five years in the future (Miech et al). This is of great concern regarding prevention of marijuana use among youth and young adults.

As states continue to legalize medical and recreational marijuana use, it is important to understand trends in adolescent use and associated consequences. While research suggests medical cannabis laws increase adult but not adolescent cannabis use (Smart, 2019), the threat remains because according to the 2020 Monitoring the Future survey results, marijuana was found to be the most commonly used illicit substance with especially high rates among youth (Johnston et al, 2020). Current research suggests that youth's motives for marijuana use includes enjoyment/fun, conformity, experimentation, social enhancement, boredom, and relaxation (Lee, 2007). While many people believe marijuana is harmless, there is evidence to support the contrary. Despite some debates regarding the addictiveness of marijuana, evidence clearly shows that long-term use can lead to addiction (Volkow, 2014). The potential adverse effects differ

between short-term use and long-term or heavy use. Short-term adverse effects include impaired short-term memory, impaired motor coordination, altered judgement, as well as paranoia and psychosis when taken in high dos (Volkow, 2014). Long-term effects include addiction, altered brain development, poor educational outcome, cognitive impairment, diminished life satisfaction and achievement, symptoms of chronic bronchitis, and increased risk of chronic psychosis disorders (Volkow, 2014). Chances of marijuana addiction increase for those who begin using as teenagers with about 9% of users, overall, becoming addicted compared to 17% of those who begin use in adolescence (Feeney, 2016; Volkow, 2014). Thus, the most concerning issue regarding the medicinal and recreational legalization of marijuana is the adverse effects of the youth population.

Social Host Ordinances:

States and communities are using public policies, including social host ordinances to deter underage drinking parties where easy access to alcohol and high-risk use occurs (Wagoner). Social host ordinances were implemented in response to the increased popularity of the availability and consumption of alcohol by youth at parties. As such, social host ordinances are local policies to hold property owners accountable for gatherings with underage alcohol consumption, regardless of who provides the alcohol (Wagoner et al, 2012). There are two types of hosting liability against an individual under social host (1) civil and (2) criminal liability. Some social host ordinances adopt a hybrid liability that contains both civil and criminal components (Wagoner et al, 2012). These penalties are important because they determine how stringently the social host ordinances will be enforced and may be a source of future research to ensure they are being enforced equitably. It is currently difficult to determine the relationship between comprehensiveness of social host ordinances and underage drinking in private setting

because conflicting conclusions have been found in the limited available research (Wolf, 2021). There are some concerns for displacement effects where use may decrease in private settings but increase elsewhere however, more research is needed to support these concerns (Wolf, 2021).

Purpose:

As marijuana is being legalized for medicinal and recreational use, the inclusion of marijuana to social host ordinances may be one approach to achieve long-term changes in marijuana use and associated consequences among individuals under 21 years of age without a physician's recommendation as some studies are suggesting their effectiveness is underage alcohol use prevention. The overall purpose of this study was to examine the extent to which cannabis provisions have been incorporated into new or existing city-level social host ordinances in California and Colorado. We also sought to examine the penalties associated for violation of SHOs.

Methodology:

A systematic protocol was utilized to identify adoption of social host ordinances in a census of cities and towns in California and Colorado. To identify whether a location has a social host ordinance, city and town codes were identified using MuniPro, a municipal law research tool, or a Google search. The following three search terms were used sequentially: (1) "social host", (2) "social gathering", and (3) "alcohol." All identified social host ordinances were downloaded for data extraction. Following identification of social host ordinances, the ordinances were examined to determine if they just covered alcohol or if cannabis and/or other substances were included. All of the data extracted from the ordinances was entered into a spreadsheet including information on (1) whether or not a social host ordinance was identified for each city/town; (2) whether alcohol, cannabis, or other substance use was included in the

located ordinances; (3) type of penalty associated with the ordinance; (4) source of the ordinance; and (5) date of data extraction. To maximize reliability of the findings, the identification and ordinance review process for a random sample of the cities and towns included in the study was selected for review by a senior study team member.

Results:

Collectively, there were 753 municipalities (cities and towns) identified in California (CA; n=482) and Colorado (CO; n=271). There were 690 municipalities with a code available; 63 municipalities were excluded from analyses because there was no code available. Of the 690 municipalities with a code available, 24% (n=165) were identified to have a social host ordinance (SHO); 163 in California and 2 in Colorado. All the social host ordinances addressed alcohol use. There were 52 (31.5%) social host ordinances that included cannabis or other substances (51 included both cannabis and other substances and 1 included cannabis only). This data is summarized in *Figure 1* below.

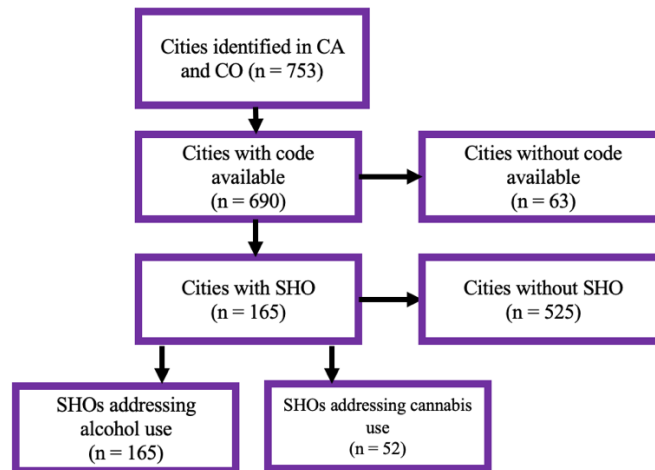


Figure 1: Flow Chart – Identification of Municipalities and Social Host Ordinances in CA and CO.

Overall, of the municipalities that had a social host ordinance, 69 (41.8%) used only civil liability, 7 (4.2%) used only criminal liability, and 86 (52.1%) used a hybrid liability structure.

Three municipalities did not specify what the liability. The presence of and type of substances covered in California and Colorado social host ordinances can be seen below in *Table 1* and the breakdown of liability method for alcohol only social host ordinances versus those with alcohol and cannabis and other substance use and be seen below in *Table 2*.

Table 1: Presence of and type of substances covered in CA and CO Social Host Ordinances (SHO)

		Overall (N=690)	Any SHO (N=165)
Presence of a SHO	Yes	165 (21.9%)	165 (100%)
	No	588 (78.1%)	0 (0%)
Substances Covered			
	Alcohol	165 (100%)	165 (100%)
	Cannabis	52 (7.5%)	52 (31.5%)
	Other substances	51 (7.4%)	51 (30.9%)

Table 2: Penalties specified in CA and CO Social Host Ordinances (SHO)

		Any SHO (N=165)	Alcohol SHO (N=165)	Cannabis SHO (N=52)
Type of SHO Penalty				
	Civil	69 (41.8%)	48 (44.4%)	20 (38.5%)
	Criminal	7 (4.2%)	3 (2.8%)	3 (5.8%)
	Hybrid	86 (52.1%)	56 (51.9%)	27 (51.9%)

Closure:

The objective of this study was to examine the extent to which cannabis provisions have been incorporated into new or existing city-level social host ordinances in California and

Colorado as well as examine the penalties associated for violation of social host ordinances. We found that all the social host ordinances addressed alcohol use and there were 52 (31.5%) social host ordinances that included cannabis or other substances. It was also found that of the 690 municipalities with a code available, 41.8% (n=69) were identified to have a civil hosting liability, 4.2% (n=7) were identified to have a criminal hosting liability, and 52.1% (n=86) were identified to have a hybrid hosting liability.

Seeing that there is a trend in cannabis provisions being incorporated into new or existing city-level social host ordinances in California and Colorado, it is important to understand the potential impacts. The enforcement of underage drinking laws, including social host ordinances, suggested a perception of decreased social availability as well as an increased perceived likelihood of getting in trouble with law enforcement (Paschall, 2012). Research has found that for non-marijuana users, perceived risk and the potential consequences of marijuana use may serve as a protective factor against marijuana initiation (Kilmer et al, 2007). It is likely that these similar patterns will be seen with cannabis use as it continues to be incorporated in new and existing social host ordinances and can serve to decrease underage cannabis use as a result of these changing perceptions.

Social host ordinances differ by jurisdiction, as do the consequences for the hosts (Wolf, 2021). It is important to monitor the differing enforcement of these policies and determine the community characteristics of where social host ordinances are being enforced by civil versus criminal liabilities to ensure equitable enforcement and determine any existing trends. Current literature recognizes the different criminal and/or civil sanctions associated with social host ordinances but does not focus on how these are mandated or enforced.

The findings from this study indicate that some communities in states where cannabis is legal have incorporated cannabis and other substances into social host ordinances in efforts to prevent youth cannabis use. Future research should assess equitable policy adoption and effectiveness of these policies.

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