



2018 State Legislative Session: Medical/Recreational Marijuana Bill Recommendations

#1: Business License: We recommend the following for consideration: The Medical/Recreational Marijuana bill should ensure the medical marijuana industry will include both medium and small sized businesses by prohibiting a monopoly of large-scale cultivation licenses. Imposing strict anti-monopoly restrictions for small businesses and consumers should be instituted which will also support local economy growth. We recommend a horizontal business model which would include a business classification system. **We highly recommend applicants must satisfy a minimum of 2 year state residency requirement.**

#2: Diversity and Inclusion: Expanding the marketplace to include diversity as an emphasis thereby; requiring each license applicant provide a “diversity plan” defined as a strategy promoting or ensuring diverse groups participation in medical marijuana license holder ownership, management, workforce, and operation through contracting and employment opportunities.

A “diverse group” is defined as a certified disadvantaged, minority-owned, women-owned, service-disabled, veteran-owned or veteran-owned small business and an “operator” as an individual directly overseeing or managing applicant or permittee’s day-to-day business functions and ability to direct both “on- and off-site” employee activities.

Diversity Plan: An applicant shall include with its application a diversity plan that promotes and ensures the involvement of diverse participants and diverse groups in ownership, management, employment and contracting opportunities, including individuals from “diverse racial, ethnic and cultural backgrounds and communities; women; veterans and individuals with disabilities.” (Florida Legislation)

Equity Applicant Program: We recommend creating an equity applicant business participation program with rules, regulation and language easily adoptable by participating local cities, counties, and municipalities.

Reporting: Submit an annual report summarizing the participation and utilization of diverse groups in the activities authorized under medical/recreational marijuana program. (Pennsylvania Legislation)

The report shall include:

- (1) The participation level, by percentage, of diverse groups in the activities authorized under this act.
- (2) A summary of how diverse groups are utilized by permittees, including in the provision of goods or services.
- (3) Any other information the department deems appropriate.

#3: Diversity/Equity Advisory Consultant: We recommend each respective state responsible for implementing the program, including developing rules, processing applications, and issuing patient ID cards and licenses create a budget to support the appointment of a diversity advisory consultant who will advise and give recommendations to the compassionate care office and licensing authorities on the development of standards and regulations pursuant including best practices and guidelines that

supports overall diversity. Two years after the law takes effect the Diversity Advisory Consultant will issue a report including recommendations regarding diversity ownership, management and operation through contracting and employment opportunities. (Maryland Initiative)

#4 Youth Education: Strategies and Interventions to Prevent Youth Marijuana Use: Marijuana use among youth is a serious issue we want to address in communities of color making sure they understand the differences/ramifications between adult medical marijuana use versus “black market” illegal under age use. The factors that drive the issue in different communities may vary considerably. For example, in one community, high school students may have low perceptions of the risks associated with use. However, this may not be an important risk factor in another community, where easy access to marijuana may be a serious factor. We recommend creating a budget for effective prevention strategies, interventions, and education linked to unique risk factors in communities of color. (Colorado Legislation)

#5 Medical Marijuana Physician Certification Cost: Patients are charged normal and customary fee for services medical marijuana certifying physicians. We recommend patients who show proof of enrollment in a State Medicaid System will receive a reduction in fees based upon a sliding fee schedule.

#6 Financial Hardship/Low Income Patients: Patients are charged a dollar amount for an MMJ identification card however this fee will be waived or adjusted based on an income sliding scale system. Incentivizing discounts for low income patients: A law that include a competitive application process for dispensaries provide extra points for those that have programs to provide discounted or free cannabis to low income patients. (Colorado)

#7 Level 2 Background Check Exemption Clause: We recommend creating an exemption waiver program for those seeking marijuana business license who do not pass a level 2 background check. The applicant will have an opportunity to submit a waiver asking for an exemption based upon specific waiver criteria set by the state legislation.

#8 Qualified Medical Conditions: (Add Sickle Cell Anemia to the list of qualifying medical conditions) Currently, sickle cell anemia is not routinely listed as a qualifying medical condition. We recommend adding this medical condition.

#9 Decriminalization: Introduce a bill that would decriminalize the possession of marijuana. The bill would reduce the penalty to a fine not to exceed \$100. Currently, an individual arrested for possession of up to an ounce of marijuana can still be sentenced to a maximum of 30 days in jail and fined up to \$500. This long-overdue change would dramatically reduce the number of Floridians who have their dreams derailed by a criminal record. A 2013 study by the American Civil Liberties Union found that although blacks and whites use marijuana at nearly identical rates, enforcement is far from equal: blacks in Florida are 4.0 times more likely than whites to be arrested for marijuana possession.

*We also recommend individuals with a felony criminal record for the possession of marijuana should be allowed to participate as an owner, grower, cultivator, and/or operator if their criminal conviction is over 5 years old.

Minorities for Medical Marijuana, Inc is a 501c3 nonprofit organization focused on advocacy, outreach, and education regarding the business, medical, social reform, and public policy aspects of the cannabis industry. Currently we have 15 organized chapters nationwide. If you would like more information about the organization and/or you have recommendations/suggestions to add to this list, please contact Roz McCarthy Founder/CEO at 877-900-0832 or email at m4mmunited@gmail.com.

References

Maryland

When drafting the original law for issuing licenses to grow, process, and dispense medicinal cannabis in the State of Maryland, the Commission initially took every step possible to include racial diversity as a weighted component of the regulations. The specific legislative intent required the Commission to, “actively seek to achieve racial, ethnic, and geographic diversity when licensing medical marijuana growers; and encourage applicants who qualify as a minority business enterprise...” *Health-General, Annotated Code of Maryland, sections 13-3306(a)(i)(1)*.

Pennsylvania

Section 615. Diversity goals.

(a) **Goals.**--It is the intent and goal of the General Assembly that the department promote diversity and the participation by diverse groups in the activities authorized under this act. In order to further this goal, the department shall adopt and implement policies ensuring the following:

(1) That diverse groups are accorded equal opportunity in the permitting process.

(2) That permittees promote the participation of diverse groups in their operations by affording equal access to employment opportunities.

(b) **Duties of department.**--To facilitate participation by diverse groups in the activities authorized under this act, the department shall:

(1) Conduct necessary and appropriate outreach including, if necessary, consulting with other Commonwealth agencies to identify diverse groups who may qualify for participation in activities under this act.

(2) Provide sufficient and continuous notice of the participation opportunities afforded under this act by publishing notice on the department's publicly accessible Internet website.

(3) Include in the applications for permit under this act language to encourage applicants to utilize and give consideration to diverse groups for contracting or professional services opportunities.

(c) Reports.--No later than March 1, 2018, and each March 1 thereafter, the department shall submit a report to the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives summarizing the participation and utilization of diverse groups in the activities authorized under this act. The report shall include:

(1) The participation level, by percentage, of diverse groups in the activities authorized under this act.

(2) A summary of how diverse groups are utilized by permittees, including in the provision of goods or services.

(3) Any other information the department deems appropriate.

(d) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Disadvantaged business." As defined in 74 Pa.C.S. § 303(b) (relating to diverse business participation).

"Diverse group." A disadvantaged business, minority-owned business, women-owned business, service-disabled veteran-owned small business or veteran-owned small business that has been certified by a third-party certifying organization.

"Minority-owned business." As defined in 74 Pa.C.S. § 303(b).

"Service-disabled veteran-owned small business." As defined in 51 Pa.C.S. § 9601 (relating to definitions).

"Third-party certifying organization." As defined in 74 Pa.C.S. § 303(b).

"Veteran-owned small business." As defined in 51 Pa.C.S. § 9601.

"Women-owned business." As defined in 74 Pa.C.S. § 303(b).

Maryland Diversity Consultant Recommendation

<https://www.google.com/amp/www.baltimoresun.com/news/maryland/bs-md-medical-marijuana-diversity-20161128-story,amp.html?client=safari>

<https://www.google.com/amp/s/wbal.relaymedia.com/amp/article/maryland-medical-cannabis-commission-hires-diversity-consultant/8372781?client=safari>

Pennsylvania Diversity Goal: Section 615

http://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=2016&sessInd=0&smthLwInd=0&act=16&chpt=6&sctn=15&subsctn=0&mobile_choice=suppress

Pennsylvania Application Diversity Plan Requirement

<http://www.jdsupra.com/legalnews/pennsylvania-issues-grower-processor-28760/>

Pennsylvania Medical Marijuana Program Fund

<http://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=2016&sessInd=0&smthLwInd=0&act=16&chpt=9&sctn=2&subsctn=0>

Pennsylvania Medical Conditions: Sickle Cell Anemia

<http://www.health.pa.gov/My%20Health/Diseases%20and%20Conditions/M-P/Documents/Medical%20Marijuana%20FAQs.pdf>

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