

## On-Site Cannabis Consumption Policy Guidance

This document is meant to guide discussions on policy requirements for on-site cannabis consumption at retailers, dispensaries, and other establishments. The established laws, rules, and regulations of each individual state or locality considering on-site consumption policy must be consulted for relevance in drafting policy language. Tobacco prevention and control health professionals can use this policy guidance document to also advocate for strong smokefree rules and regulations that include marijuana/cannabis secondhand smoke.

The parameters below are recommended to minimize exposure to secondhand marijuana smoke for employees and patrons as well as mitigate drifting smoke into neighboring businesses.\* [See below for model language defining electronic cigarettes and enclosed area.]

- Ideally, 100% smokefree/vape-free indoors
  - Ventilation systems are not sufficient to address the health concerns of indoor smoking
  - Barriers with plexiglass or semi-permanent structures are not adequate to address health concerns with secondhand marijuana smoke
  - Provide an outdoor space for smoking that is unenclosed and out of public view
  - If not restricted to outdoor use only – MUST BE located in stand-alone buildings as to avoid drifting secondhand smoke into adjacent businesses or residences in the same building
  - Stand-alone buildings should not be multi-use with other businesses or residences in the same building
- Set a cap on the total number of licenses available for venues to allow on-site consumption
- Narrowly define cannabis consumption establishments to only permit on-premises use of devices that are sold or owned by the establishment. This prevents non-cannabis retail or hospitality venues like restaurants or bars from allowing on-site consumption by claiming to be cannabis consumption lounges.
- Food and alcohol sales or consumption are not permitted. Food and alcohol sales blur the lines with restaurants and bars and can result in a de facto rollback in longstanding smokefree protections.
- Age requirement – must be 21+ to enter at any time
  - Applies to patrons and employees
- Expand regulations on location/density – such as 1,000 ft. from other retailers, schools, churches, youth service facilities, recreation facilities, substance abuse recovery centers
- All on-site consumption should cease when law enforcement or emergency responders are on premises
- No advertising or promotional couponing on site (indoors or outdoors)

- Include enforcement language with graduated penalty scale to address repeat violation
- Do not allow for “dual licenses” where establishments could potentially sell and use both tobacco and marijuana products

**\*Definitions:**

“Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, dab rig, or vape pen, or under any other product name or descriptor.

“Enclosed Area” means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

**Other considerations:**

**Hemp & Delta 9:** The term “Hemp” is used to mean cannabis that contains 0.3 percent or less delta-9-tetrahydrocannabinol (THC) or Delta-9 content by dry weight. Regardless of the type of cannabis, it should never be smoked or vaped indoors or allowed in smokefree spaces.

**Federal Decriminalization:** Currently, possession and distribution of marijuana/cannabis is a federal crime, and state marijuana regulation laws are not preempted by federal law. For many years, the marijuana/cannabis industry has been lobbying for federal legalization of marijuana or cannabis. Because of this highly funded industry campaign, states, Tribes, and local jurisdictions should be prepared to include marijuana/cannabis in their list of smokefree definitions for what cannot be smoked or vaped indoors.

**From our resources:** Marijuana, just like other forms of smoking or vaping, is not “safe” compared to breathing clean air.

Secondhand marijuana smoke contains hazardous fine particulates and hundreds of chemicals, similar to secondhand tobacco smoke. For workers and the public, it can become another source of indoor air pollution. Nobody should have to breathe drifting secondhand smoke of any kind on the job, in an apartment building, or in other shared air spaces.

Supporting decriminalization of marijuana does not mean that non-users should have to breathe secondhand emissions.