



THE OHIO STATE UNIVERSITY

MORITZ COLLEGE OF LAW

DRUG ENFORCEMENT AND POLICY CENTER

2019-20 Annual Report

The Drug Enforcement and Policy Center focuses on promoting and supporting interdisciplinary, evidence-based research, scholarship, education, community outreach, and public engagement on the myriad issues and societal impacts surrounding the reform of criminal and civil laws prohibiting or regulating the use and distribution of traditionally illicit drugs. The center examines the impact of modern drug laws, policies, and enforcement on personal freedoms and human well-being, giving particularized and sustained attention to analyzing the rapid evolution of marijuana laws and the impacts of state-level reform efforts.

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INTRODUCTION

TO OUR GENEROUS DONORS

Now more than ever, we are grateful for the giving spirit of our donors. Despite challenges presented by COVID-19, the Drug Enforcement and Policy Center (DEPC) at The Ohio State University Moritz College of Law has had a tremendous year of public outreach programming, research, and publication. We continue to move forward on existing research projects while also giving special attention to the new legal and policy issues created by this global pandemic and highlighted by protests over police violence, racial inequality, and injustice.

DEPC was founded in November 2017, seeded with a \$4.5 million grant from the Charles Koch Foundation. Through that generosity, as well as the support of several individual donors and organizational partners, DEPC has grown and its reputation has been solidified as an independent source for researchers, policymakers, and others interested in objective information and analysis concerning drug enforcement, policy, and reform issues.

In November 2019, DEPC received a \$5 million grant from the Menard family and Menard, Inc. This transformational award supports the center's ongoing activities in the areas of research, engagement, and student enrichment and allowed for the creation of the center's physical home in Drinko Hall. The Menard's generosity will be instrumental in the center establishing an inaugural lecture and biannual national conferences focused on the intersection of criminal justice and drug policy.

Looking ahead to the coming year, DEPC will continue to respond to evolving challenges with objective, evidence-based research, and programming. It's who we are, and what we do. But we can achieve more together than we can alone. We are deeply appreciative of our generous donors who have supported our mission, whether through partnership, engagement, giving, or the sharing of our work. Thank you!

A MESSAGE FROM THE DIRECTOR



Even before the world heard of COVID-19 or knew the name George Floyd, the Drug Enforcement and Policy Center (DEPC) was poised to have a historic year. The 2019–20 school year brought new faculty and staff to contribute in myriad ways to the mission of the center. Advocacy and industry leaders with Ohio State roots came ‘back home’ for the inaugural *Buckeyes in Cannabis* event. DEPC received a transformative grant from the Menard family and Menard, Inc. From Drinko Hall, Ohio Governor Mike DeWine launched the Ohio Governor’s Expedited Pardon Project, a service venture co-facilitated by DEPC. And just before COVID-19 began to make headlines across the globe, the center gathered dozens of academics and policymakers in Phoenix, Arizona to explore a half-century of drug policy under the Controlled Substances Act.

This annual report provides an opportunity to review and reflect. As we look back, we recognize how much recent events have altered our world and worldviews. The COVID-19 pandemic required DEPC faculty and staff to work from home and the postponement of many live events planned for 2020. The tragic death of George Floyd and a nationwide discussion of racial justice provides a sharp reminder of DEPC’s unique obligation and opportunity to critically examine how criminal justice and drug policy intersect to shape the experiences of people of color, especially Black Americans. Thankfully, the hard work and dedication of faculty, staff, and students, as well as terrific support from our funders and partners, have enabled us to keep building, growing, and producing.

With the magic of Zoom, the DEPC team meets regularly online and has hosted virtual events with multiple partners. Center staff have produced two significant reports on the impact of COVID-19: one examines the operation of Ohio’s courts during the state’s shutdown; another reports on a survey of how the pandemic has impacted small and social-equity businesses in the cannabis industry. These events and publications represent only a portion of DEPC activities that have continued despite the unique disruptions and difficulties of our strange new world. I look forward to continuing the work of growing the center in the next year as we pursue our mission to inform policies aimed at the reform of drug laws and the criminal justice system.

A handwritten signature in black ink that reads "Douglas A. Berman". The signature is fluid and cursive, with a long horizontal line extending to the right.

Douglas A. Berman
Professor and Newton D. Baker-Baker & Hostetler Chair in Law
Executive Director, Drug Enforcement and Policy Center

DEPC BY THE NUMBERS

Over \$5M raised in additional center funding.

More than 400 downloads of center-published reports.

Hosted 19 in-person and virtual events and workshops.

\$32K+ awarded to researchers at The Ohio State University.

DEPC supports academic research and scholarship on issues related to modern drug laws, policies, and enforcement.

90+ expert speakers, including:

- Ohio Governor Mike DeWine
- Holly Harris - Exec. Director, Justice Action Network
- Keith Humphreys - Esther Memorial Professor, Stanford University
- Beau Kilmer - Director, RAND Drug Policy Research Center
- Miriam Krinsky - Exec. Director, Fair and Just Prosecution
- Ethan Nadelmann - Founder, Drug Policy Alliance
- Chief Justice of Ohio Maureen O'Connor
- Cat Packer - Exec. Director, Department of Cannabis Regulation, City of Los Angeles
- Tahira Rehmatullah - Director, Hypur Ventures
- Dan Riffe - Sr. Counsel and Policy Advisor, U.S. Representative Alexandra Ocasio-Cortez
- Rob Sims - former professional football player, Founding Partner, Locker Room Consulting
- David Singleton - Exec. Director, Ohio Justice and Policy Center

9 partner organizations collaborated on center programming, including:

- Academy for Justice, ASU
- The Buckeye Institute
- Center for Innovation Strategies
- Criminal Justice Research Center
- Harm Reduction Ohio
- National Association of Sentencing Commissions
- Natural Therapies Education Foundation
- Ohio Criminal Sentencing Commission
- Ohio Justice and Policy Center

25 students supported via fellowship or employment.

DEPC awarded fellowships to four students via the DC Fellows program and employed 21 others in work spanning research, engagement, and center communications.

Paving a faster path to pardon in Ohio



Governor Mike DeWine launches the Ohio Governor's Expedited Pardon Project at a press conference in Saxbe Auditorium.

A new project facilitated by DEPC is providing qualifying applicants access to a simplified and accelerated pardon process in Ohio. Launched by Ohio Governor Mike DeWine in December 2019, the project aims to help law-abiding citizens hindered by long-past mistakes. “I am grateful that Governor DeWine reached out to university partners,” said DEPC Executive Director and Professor of Law Douglas A. Berman.

The Ohio Governor's Expedited Pardon Project (OGEPP) is a collaboration between Ohio Governor Mike DeWine, DEPC, and the Reentry Clinic at The University of Akron School of Law. The organizations worked together to streamline the process and finalize eligibility criteria.

Most notably, applicants must have completed their last sentence at least 10 years ago, have a record of employment and volunteer service, and have a compelling reason for seeking a pardon.

“The project is further testament of the myriad ways the university serves our state,” said Lincoln L. Davies, dean of the Moritz College of Law. Students at the two law schools will screen applicants and provide individualized assistance to those identified as potential pardon candidates. Through direct client engagement, students will improve the well-being of Ohioans while deepening their service experience and further preparing them to be leaders and engaged citizens.

People with criminal records face legal and regulatory restrictions that limit access to employment, housing, licenses, education, and other opportunities. A pardon can help Ohio residents by illustrating that they have paid their debt to society and are ready to move on from their past convictions. But a pardon does not automatically seal court records pertaining to that conviction.

Professor Berman and Reentry Clinic Director and Associate Clinical Professor Joann Sahl are hopeful that this project will encourage Ohio legislators to consider enacting provisions for automatic record sealing once a pardon is granted, further limiting the consequences created by a past criminal conviction. Data collected through the OGEPP will help shed light on how record sealing and other remedies such as a Certificate of Qualification for Employment can further benefit pardon recipients.

The project team continues to work with community organizations to encourage applications and has transitioned to providing virtual trainings and question and answer sessions.

Professor Berman underscored that increasing access to the pardon process is central to the project's mission. "It is so very important that the historic remedy of clemency be available to all those who have demonstrated that they ought not and need not bear the burdens that come with a criminal record."

Ohio Governor's Expedited Pardon Program

For more information on the Ohio Governor's Expedited Pardon Project (OGEPP) and to apply, visit: ohioexpeditedpardon.org

50 applications received – The program has received over 50 applications since its launch in December.

18 Ohio counties represented – The program has received applications from across Ohio.

Half or less time than traditional process – Compared to the traditional process, accepted applicants are likely to obtain a Parole Board hearing in less than half the time.

Reflects data available as of July 31, 2020.

Cannabiz Roundtable examines evolving hemp regulation



Cannabiz Roundtable panelists (from left to right) Benton Bodamer '06, David E. Miran, Jr. Esq., Patricia Zettler, and Anthony Seegers.

With the passage of the 2018 Farm Bill, the legal use of the cannabis plant has undergone a seismic shift by allowing legal cultivation of hemp as an agricultural commodity. A year after the bill's passage, federal and state governments, including the

State of Ohio, are in the process of creating regulations but many questions remain unanswered. To answer some of these questions, DEPC and the Center for Innovation Strategies cohosted *From Reefer Madness to Hemp Utopia: CBD, Hemp and the Evolving Regulation of Commoditized Cannabis*.

Held in January 2020, the event focused on the challenges of regulating hemp and products infused with the hemp derivative cannabidiol (CBD). The roundtable featured David E. Miran, Jr. Esq., executive director of the Ohio Department of Agriculture Hemp Program, Anthony Seegers, director of state policy for the Ohio Farm Bureau, Patricia Zettler, professor of law and DEPC faculty member, and Benton Bodamer of Dickinson Wright PLLC. Panelists discussed recent changes in the government’s approach to hemp and CBD, shared insight into how farmers view the opportunity to grow hemp, and addressed the involvement of the Food and Drug Administration (FDA) in the regulation of CBD products.

“If CBD products are widely available, we’re not going to get the research,” explained Zettler. “From my experience, without FDA gatekeeping, we do not get good research on safety and effectiveness,” she said, adding that what is most troublesome, from a public health standpoint, are food safety concerns that may go unaddressed.

This event was part of the ongoing *Cannabiz Roundtable* series that brings experts together to discuss issues surrounding the business of cannabis.

Highlighting Buckeyes in the cannabis space



Fireside chat moderator Douglas A. Berman (left) and speaker Cat Packer '15 (right).

For the first time ever, Buckeyes working in the cannabis space gathered on The Ohio State University campus for an event hosted by DEPC. Held in September 2019, *Buckeyes in Cannabis* provided an opportunity for Ohio State alumni who work in or around the industry, including those in government and advocacy roles, to come together to network and discuss emerging issues and the future of cannabis reform.

The alumni who participated in the two panels and fireside chat illustrated Ohio State’s impact on the growing industry. “Ohio State alumni are leaders in this emerging field,” said DEPC Executive Director and Professor of Law Douglas A. Berman. “Buckeyes are shaping the cannabis industry as lawyers, policy makers, entrepreneurs, academics, and venture capitalists.



Alumni panelists (left to right) Rob Sims, Elliott Frank '96, and Tahira Rehmatullah.

The event was a success according to attendees and participants, with many calling for *Buckeyes in Cannabis* to continue as an annual event. Cat Packer '15 was one of those Buckeyes. "It was really exciting to see how many other Buckeyes are engaged in the cannabis industry. I hope we see that engagement continue to grow."

The time is now for data-led criminal justice reform in Ohio



Participants on the first panel (left to right): Shakyrá Diaz, Daniel Dew, and Ohio Supreme Court Chief Justice Maureen O'Connor.

One year after the failure of Ohio's Issue 1, DEPC collaborated with The Buckeye Institute and the Ohio Criminal Sentencing Commission to host Issue 1 One Year Later. The event aimed to reignite bipartisan work to enact criminal justice reform in Ohio and to assess the resources needed to be, as Ohio Senate President Larry Obhof described, "smart on crime, not tough on crime."

Held in November 2019 at the Ohio Supreme Court, the half-day event brought together a diverse group of advocates, legislators, judges, and academics. Ohio Supreme Court Chief Justice Maureen O'Connor participated in two of the panels. "I am happy about the conversation continuing," she said. "I think we are moving in a good direction."

After decades of bipartisan support for tough-on-crime policies, recent years have brought growing recognition that those policies must change. Across all levels and all political leanings, government officials now acknowledge that such policies are detrimental to our communities and impose tremendous costs to state, local, and federal budgets. But despite a string of criminal justice reform bills enacted in the last decade, the goal of decreasing the number of incarcerated individuals in Ohio remains elusive. That's in part because, said DEPC Executive Director Douglas A. Berman, "reform is complicated."



Participants on the second panel (left to right): Senate President Larry Obhof, State Representative Phil Plummer, Gary Daniels, State Senator John Eklund, Dr. Mark Hurst, Ohio Supreme Court Chief Justice Maureen O'Connor.

As the panelists discussed past criminal justice reforms in Ohio, agreement formed around the need for more and better treatment for people suffering from substance use disorder—a sentiment also shared by Ohio Governor Mike DeWine according to Andrew Wilson, DeWine's senior advisor on criminal justice policy. What panelists did not agree on was the role the criminal justice system should play in this endeavor.

"Research has shown that legal pressure created by the threat of felony conviction is key to holding people accountable," said Chief Justice O'Connor. "They saw higher relapse rates in those with misdemeanors compared to a felony. The court order gets these folks to stick with treatment." Unfortunately, data is in short supply when it comes to drug sentencing in Ohio.

"Felonies are effective at delaying access to treatment, reducing earning potential, and limiting access to housing; they are not good at resolving addiction," said Shakyra Diaz of Alliance for Safety and Justice, adding that she would love to see comprehensive data on drug courts in Ohio, but they are not currently kept.

When asked about the obstacles to criminal justice reform in Ohio and nationwide, panelists highlighted the lobbying power of the for-profit prison industry, the lack of mental health services in communities with greatest need, a timid judiciary, and the lack of systematic data collection as key factors. Joselyn Rosnick of ACLU of Ohio explained that while Ohio is leading in some areas, a lack of data has impeded efforts on other fronts. "Data collection is a really big hurdle here in Ohio and

nationally. We all want to live in safe and healthy communities, but it is hard to devise policies to help us do that when you don't have all the information present.”

Still, Holly Harris of the Justice Action Network said Ohio is lucky. “Senator Obhof [...] is dedicated to data-driven reforms like SB3.” Both Rosnick and Berman agree that to be smart on crime, Ohio needs better data and research to support better policies. “We need to make data access a part of our daily work,” said Rosnick. “There have been more calls to ‘do something’ to fix our criminal justice system,” said DEPC Director Berman. “But, without data and rigorous research, our ability to evaluate the effectiveness of existing policies and devise better ones is limited.”

The Ohio Senate passed SB3 in June 2020 and the House introduced it in July 2020.

DEPC cohosts conference to examine past and future of the Controlled Substances Act



The “Marijuana in 2020: Legalization and Regulation” town hall was moderated by Douglas A. Berman (far right) with panelists (left to right) Ethan Nadelmann, Cat Packer ‘15, and Beau Kilmer.

In February 2020, DEPC and the Academy for Justice at the Arizona State University Sandra Day O’Connor College of Law co-sponsored a conference in Phoenix, Arizona to mark a half-century of drug policy under the Controlled Substances Act (CSA).

The Controlled Substances Act at 50 Years featured over 50 speakers across law, health, and policy. Attendees evaluated the ways in which the CSA has helped shape modern American drug laws and policies, and how these laws could change in the future. According to DEPC Executive Director Douglas A. Berman, the collaboration allowed the two centers to convene a truly impressive group of experts.

The keynote address by drug policy experts Keith Humphreys and Peter Reuter, focused on the dual nature of drugs. Humphreys, the Esther Ting Memorial Professor at Stanford University and former drug policy advisor in the Bush and Obama administrations, highlighted the contradictions at work in U.S. drug policy. In particular, he noted that two of the most dangerous drugs—alcohol and tobacco—are not included in the CSA.

Day two started with panels on the history of the CSA and public health responses adopted by police and prosecutors. Daniel Satterburg, prosecutor for King County, Washington, pressed for the adoption of a ‘do no harm’ approach when it comes to prosecutors’ engagement with drug policy. “The ‘war on drugs’ has been a war on drug users,” declared Satterberg.

Deborah Small, executive director and founder of Break the Chains, added, “We are not controlling substances, we are controlling people.”



Valena Beety (far right) moderated “Strategies for Addressing Substance Use in Prisons and Reentry” with panelists (left to right) Richard Van Wickler, Jeffrey Singer, Annie Ramniceanu, Jennifer D. Oliva, Betsy Jividen, and Leo Beletsky.

The next panel focused on strategies for addressing substance use in prisons and reentry. Moderated by Valena Beety, deputy director of the Academy for Justice, the panel featured academics and correctional leaders revolutionizing reentry efforts. Betsy Jividen, commissioner of the West Virginia Division of Corrections, shared her belief that ignorance is a barrier to reform.

Jennifer Oliva, associate professor of law at Seton Hall University, questioned the disparities between requirements of prisons and hospitals when releasing those with substance use disorder. She noted that correctional facilities have faced criticism for releasing inmates without drugs to treat opioid use disorder, when “hospitals routinely send people home after an opioid overdose with nothing.”

Miriam Krinsky of Fair and Just Prosecution, led the day's lunch plenary. Panelists included representatives of a new generation of reform-focused prosecutors. Krinsky called the push for more progressive prosecutors not just a moment, but a growing movement. "We need to wake up and have a conversation about whether criminalization is the solution," said Krinsky.

Through the efforts of progressive prosecutors, policy is beginning to catch up with public sentiment. Under the leadership of Wesley Bell, prosecuting attorney for St. Louis County, Missouri, prosecution of simple drug possession has been suspended. According to Bell, the two most powerful words in the criminal justice system are "charges refused."

The day also included a town hall titled "Marijuana in 2020: Legalization and Regulation." Panelists included Beau Kilmer, director of the RAND Drug Policy Research Center, Ethan Nadelmann, founder of the Drug Policy Alliance and Cat Packer '15, executive director of the Department of Cannabis Regulation for the City of Los Angeles. Moderated by Professor Berman, the three shared their varied perspectives on the past and future of marijuana regulation. Nadelmann shared his disappointment that legalization has not done more to mitigate the disproportionate harms to communities of color. Packer continues to see the inequities firsthand. She made it clear that equity in cannabis reform is a group effort. "We need collective leadership in order to move this conversation forward."

The conference aimed to present tangible next steps in the push for reform. To that end, conference organizers asked Leo Beletsky, professor of law and faculty director of the Health in Justice Action Lab at Northeastern University, to author a proposal for revisioning of U.S. drug policy. The two centers coupled Controlled Substances Act at 50: A Blueprint for Reform with responses from center leaders Berman and Beety. "In the heart of the national overdose crisis we are losing a generation of people, driven to substance abuse by lack of happiness and purpose, and leading to loss of liberty or loss of life," said Beety. "Given the failure of the CSA, we have the freedom and responsibility to recreate our vision of what constitutes an effective drug policy."

RESEARCH

“Documenting the Challenges (and Documents) as Ohio Courts Respond to COVID-19”

Study authors: Jana Hrdinova, Douglas A. Berman, Mark Pauley, Dexter Ridgway

SSRN Abstract ID: 3574733

Fewer than 1 in 7 court orders sought to decrease detention.

More than ½ court orders sought to minimize appearances.

Fewer than 1 in 4 court orders sought to allow remote probation.

As COVID-19 led to the vast majority of Americans living under stay-at-home orders, government institutions confronted a public health imperative to slow the spread of a communicable disease while still maintaining vital services for their constituents.

Judicial branches of governments faced particular challenges given the traditional face-to-face and often time-sensitive nature of their work. Further, while governors can generally exercise centralized control over many parts of the executive branch of

government, the judicial function in many states does not operate under a single chief administrator.

Ohio represents one such non-unified court system. This research project sought to review and summarize the formal responses of Ohio courts in the weeks during which the state began shutting down non-essential services in response to the COVID-19 pandemic.

This review reveals considerable formal action in service of minimizing physical appearances at court, but also highlights that relatively few court orders included express provisions aimed at decreasing the number of people entering prisons or authorizing proactive steps to release people from detention.

“Struggling Through the Pandemic: Cannabis Social Equity During COVID-19”

Study authors: Douglas A. Berman, Jana Hrdinova, Mark Pauley, Dexter Ridgway

SSRN Abstract ID: 3628533

“We find ourselves in the middle of the largest economic meltdown of our lifetime with no opportunities to save our business.”

“Lack of banking and online payments puts us at a public health risk because of all the cash transactions that take place.”

“Our state errs on the side of caution rather than erring on the side of patient welfare.”

In March 2020, states across the United States began issuing shelter-in-place orders in response to the COVID-19 national emergency. These orders curtailed operations of individual businesses based on ‘essential’ and ‘non-essential’ classification. Virtually all states with legalized medical cannabis, and the majority of adult-use states, allowed cannabis establishments to remain open albeit often with significant restrictions on their operations. Yet, the cannabis industry, and small, minority-owned or social equity designated businesses in particular, are not insulated from the broader economic shockwaves spreading through the country.

In April 2020, DEPC conducted a survey asking patients, consumers, and cannabis industry professionals about the challenges they were experiencing and government responses. Hoping to fill a gap in early discussions of the impact of the COVID-19 crisis, we were especially interested in the impact on cannabis industry participants designated as social equity businesses.

The results indicate that the COVID-19 pandemic has both introduced tremendous new challenges for the cannabis industry and exacerbated long-standing difficulties for businesses in this arena. If small, minority-owned and social equity businesses are to survive, they need to be treated by the system like any other regular small business venture. While regulations and safeguards are necessary, these businesses need to be able to operate as a true business, rather than a semi-legal venture with no access to loans, banking, insurance, tax relief, and flexible deliverable modes.

“Teaching Drugs: Incorporating Drug Policy into Law School Curriculum”



Participants of the one-day Teaching Drugs workshop held in April 2019.

A report from DEPC, “Teaching Drugs: Incorporating Drug Policy into Law School Curriculum,” details the state of U.S. law school curricula in the era of rapid cannabis reforms and the opioid crisis. The results show that the vast majority of accredited U.S. law schools, roughly five out of six, do not teach courses focused on drugs or the evolving legal structures around cannabis. This gap in law school curricula is especially problematic for law schools located in states with legalized cannabis markets. Students would undoubtedly benefit from drug policy courses given the range of legal and policy issues arising from legalization in those states.

Fortunately, the Moritz College of Law is an exception. In 2013, Moritz Professor of Law Douglas A. Berman taught a first-in-the-nation seminar, “Marijuana Law, Policy & Reform Seminar” and used his blog to track the potential impact of marijuana reform on traditional criminal law doctrines.

Each year since, Berman has explored the evolving legal and policy issues. “I wanted to focus on the wide range of issues these reforms implicated and impacted, beyond criminal law. This seminar allowed me to engage with students on national and local topics as they emerge in real time,” said Berman. After Berman founded DEPC, Moritz added an additional course to the curriculum in autumn of 2018 titled “Cannabiz: Exploring the Legalization of Marijuana.”

To better understand how other law schools currently approach these issues, DEPC conducted two surveys of all accredited

law schools in the U.S. and hosted a workshop of legal scholars who work in this space. DEPC employed the surveys and workshop to identify law school courses currently taught and the primary obstacles to teaching this subject matter.

DEPC researchers are currently conducting a third survey to see how law curriculum has changed in the past year.

Roughly 5 of 6 schools did not offer a course on cannabis law.

In states with adult-use cannabis, fewer than 1 in 4 schools offered cannabis law courses.

In states with medical marijuana, fewer than 1 in 6 schools offered cannabis law courses.

Teaching Drugs Resource Website

In a new website, DEPC is compiling resources for incorporating drug policy into law school curricula. In addition to providing access to the current and future reports, the site hosts a variety of resources—from courses to casebooks—for legal educators who wish to fill this gap. We invite you to explore the site and to reach out with questions, share additional resources, and notify us of any new courses offered.

u.osu.edu/teachingdrugs

EDUCATION

DEPC Student Paper Series

DEPC solicits research papers from Ohio State students in all areas of drug law and policy. Given the new and relatively unexamined area of academic writing on the subject of cannabis law, these student research papers often offer first takes on important issues of growing interest.

Accepted student papers are made available for download on Social Science Research Network.

2,170 total paper downloads.

12,647 total abstract views.

442 total paper references.

Reflects data available as of July 31, 2020.

Top five student papers based on downloads:

1. "Social Equity Assessment Tool for Cannabis Industry" by Chris Nani
2. "Cannabis Legalization: Dealing with The Black Market" by William J. Meadows
3. "Going Green in American Professional Sports: Why Marijuana Usage Should Be Allowed and What Policy Changes Should Ensur" by Lucian Lungu
4. "Pop Culture's Influence on Recreational Marijuana Use and Legislation: A Case Study on Snoop Dogg" by Abby Graves
5. "Intellectual Property Survey: Cannabis Plant Types, Methods of Extraction, IP Protection, and One Patent That Could Ruin It All" by Amanda Maxfield

2019 Ohio Medical Marijuana Control Program Survey and Report

In June 2019, DEPC partnered with Harm Reduction Ohio on a survey of medical marijuana patients and potential patients to evaluate their experiences and satisfaction with the Ohio Medical Marijuana Control Program (OMMCP).

This research aims to fill in a critical gap in our understanding of the medical marijuana program in Ohio and to determine how those potentially impacted by the current regime perceive its performance thus far. Doing so allows for a unique examination into the efficacy of the structure of OMMCP and how this state's initial experience with marijuana reform can inform the larger national conversation that is currently underway.

67% reported being “very dissatisfied” or “somewhat dissatisfied” with OMMCP.

87% indicated preference for purchasing marijuana from a legal dispensary.

People would pay a 16.9% premium to buy at legal dispensaries.

2020 Ohio Medical Marijuana Control Program Report

DEPC conducted its second annual survey of medical marijuana patients and potential patients in May of 2020 to evaluate their experiences and satisfaction with the OMMCP to date. DEPC plans to publish the resulting report in the autumn of 2020. Learn more and access the previous and forthcoming reports at the website below.

u.osu.edu/ommcpssurvey

DEPC fellowship uncovers new paths in Washington and beyond



D.C. Fellowship recipients, clockwise from top left: Anna Crisp, Matt Krsacok, Clairanne Wise (formerly Porter), Micaela Taylor, Adriana Sandoval, Clare Murphy, Hannah Wirt, and Rachel Gurley.

For the past two years, DEPC has partnered with the Washington, D.C. Summer Program to award fellowships to Moritz students who are interested in the area of drug policy and enforcement. The fellowship partially supports their participation in

the Summer Program. “The opportunities that DEPC and Washington, D.C. Summer Program provide to engage with lawyers and policymakers in Washington was an essential introduction to the exciting prospects that the nation’s capital offers for lawyers,” said 2018 D.C. Fellow Matt Krsacok.

This autumn, D.C. Fellow Clairanne Wise (formerly Porter) realized her goal—a position in the Department of Justice (DOJ) Honors Program, the nation’s premier entry-level federal attorney recruitment program. She spent the summer of 2018 at the Drug Enforcement Administration (DEA) with the Training and Administrative Law sections. “The Washington, D.C. Summer Program was a wonderful experience that I am thankful I could participate in; it is a huge reason why I applied to the DOJ Honors Program,” said Wise.



2019 Washington, D.C. Summer Program participants outside the Eisenhower Executive Office Building.

The program places DEPC fellows in externships that enhance their real-world understanding of the issues surrounding drug policy and enforcement, as well as the workings of the federal government. The Washington D.C. Summer Program’s formalized curriculum enhances their two-month experience in the nation’s capital. Fellows gain invaluable hands-on experience and, upon their return, contribute to DEPC’s work through engagement in programming and events.

The experience directly connected Krsacok with opportunities that helped him meet multiple career aspirations. His summer of 2018 externship at the Department of Justice, Criminal Division – Office of Policy and Legislation (OPL), led to a clerkship with Judge Chad A. Readler on the U.S. Sixth Circuit Court of Appeals and a position at the Washington, D.C. office of Jones Day. At OPL, he had the opportunity to work on a broad range of drug policy and criminal justice issues, including Armed Career Criminal Act sentencing and amendments to the federal fentanyl sentencing guidelines. Krsacok says his exposure to

sentencing law and drug enforcement as a D.C. Fellow will also benefit his work as a judicial law clerk, assisting on sentencing appeals before the federal courts of appeal.

For D.C. Fellow Adriana Sandoval, the Washington, D.C. Summer Program led her to consider a new career path. She originally planned to return to her hometown of El Paso to work at the public defender's office. Sandoval spent her externship working for the United States House of Representatives in the office of Ohio Congressman Tim Ryan. "My experience in D.C. exceeded my expectations of what it would be like to be working on the Hill. Working in Congressman Ryan's office exposed me to a whole new side of politics, the law, and legislation."

Cannabiz Sprint drives student innovation at Ohio State



Team IMP presents during the Cannabiz Innovation Sprint Final Pitch.

The *Ohio State Cannabiz Innovation Sprint* brought together students from across the university to develop inventive solutions to some of society's most pressing issues through one of today's most unique emerging markets: cannabis. The winning proposal focused on helping people overcome their opioid addiction. A team of three first- and second-year undergraduate engineering students developed the app. They met for the first time at the sprint's kick-off session. "Participation in the sprint allowed me to address a real-world problem with out-of-the-box thinking," said team member Jenny Luu, "and that's something I might not otherwise have gotten the chance to do."

The second annual *Cannabiz Sprint* was co-sponsored by DEPC and the Ohio State Center for Innovation Strategies. Over a period of eight weeks, interdisciplinary teams of students participated in five workshops designed to guide them through the process of identifying a problem, proposing a socially-conscious solution, and producing a preliminary business model—all within the cannabis industry.

The workshops concluded with the *Final Pitch* in November 2019 where the top five teams competed for a total of \$3,500 in

prizes. Cannabis industry experts and business leaders served as judges and mentors to participating students. In addition to the opioid crisis, the final teams proposed solutions to address the sustainability of small family farms, food deserts and vacant lots, accurate testing for cannabis intoxication, and effective drug educational resources for people of all ages.



Autumn 2019 Cannabiz Innovation Sprint Final Pitch participants pose with judges.

IMP (Integrated Marijuana Plan) won by a unanimous vote. The team designed the app to address two central challenges to the opioid crisis: access to and efficacy of treatment. Using principles of cognitive behavioral therapy, the app would create a tailored care program for individuals using cannabis products to treat their opioid use disorder. IMP aims to assist users on their way to recovery, providing anonymity, on-demand support, and a community of peers.

Now, Luu and teammates Isaac Shores and Nick Szambelan are exploring other resources both on and off campus to support the development of their app as they further refine their concept. “The sprint has provided our group with the resources and connections of a large university while we remain a small and personal organization working for a real cause,” said Luu.

Shores said the sprint was one of his most valuable experiences at Ohio State, “The encouragement leadership gave us to continue the development of our idea and product, no matter the competition outcome, showed me how much the university believes in its students, and that’s something I’ll never forget.”

2019–20 DEPC Courses

“Marijuana Law, Policy & Reform Seminar” | Douglas A. Berman

This seminar examines the social and historical backdrop of intoxicant prohibition and assesses the legal reforms and political debates now having an impact on the control and regulation of marijuana distribution and use.

“The Administration of Criminal Justice Policy” | *Andrea M. Headley*

This course will provide students a theoretical, conceptual, and practical overview of criminal justice organization and management.

“Drug Crimes” | *Alex D. Kreit*

The course explores the nuanced dance that is the operation of a state-level business that is illegal at the federal level.

“Legislation and Regulation” | *Patricia J. Zettler*

This course examines the lawmaking process, how the legislative process works, the process by which statutes are enacted, and how judges interpret the legislative product in theory and practice.

“Cannabiz: Exploring the Legalization of Marijuana” | *Benton B. Bodamer*

This course is an exploration of the risks inherent in entrepreneurial enterprises, and the ways in which entrepreneurs embrace the possibility of failure and personal freedom to pursue opportunities at the frontiers of legal boundaries.

“Federal and State Clemency Decision-making” | *Douglas A. Berman*

Introduction to the legal, political, and practical considerations influencing clemency decision-making by Governors and Presidents in the U.S.

“Sentencing Law & Policy” | *Douglas A. Berman*

This seminar reviews traditional theoretical justifications for punishments and examines society’s approach to the sentencing of criminal offenders.

An Ohio ‘Second Look’ Statute Student Drafting Competition

A robust national discussion about how best to remedy extreme prison sentences has prompted an examination of possible new remedies. In hopes of encouraging debate around one such remedy, DEPC and the Ohio Justice & Policy Center (OJPC), a statewide criminal-justice nonprofit, sponsored a legislative-drafting contest for law students and recent law school graduates.

The contest asked participants to propose a comprehensive ‘second look’ sentencing provision in Ohio law. According to contest rules, proposals had to include language for a new Ohio statutory provision and accompanying commentary to allow courts to take a second look at Ohio prison sentences. Participants had to address both substance and procedure but could opt whether or not to speak to public health issues that have arisen with COVID-19.

DEPC and OJPC published the winning submissions on their websites and may use the proposals for ongoing efforts to advocate for improvements in Ohio law. The proposals will also be presented to the Ohio Criminal Sentencing Commission.

Competition winners

- First place: Sandeep Dhaliwal, J.D., Columbia Law School
- Runner-up: Taylor Lovejoy and Elizabeth Potts, Moritz College of Law
- Runner-up: Mariah Daly and Lucian Lungu, J.D., Moritz College of Law

Learn more and read the winning proposals at go.osu.edu/depcsecondlook.

CONCLUSION

OUR TEAM

faculty and staff

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THANK YOU

The considerable activities and productivity of the Drug Enforcement and Policy Center (DEPC) is made possible by the extraordinary support we receive from our funders, our institutional and external partners, and the organizations and individuals who engage with us.

We are grateful to the many organizations and groups who have partnered with us on events and research, including the Ohio Criminal Sentencing Commission, The Buckeye Institute, the National Association of Sentencing Commissions, the Ohio Justice and Policy Center, the Academy for Justice at the Arizona State University, and the participants of the *CSA at 50* session titled “Women of Color Leading Cannabis Reform”, with whom we hope to sustain ongoing collaboration.

The work of DEPC would not be possible without the great generosity of the Charles Koch Foundation the Menard family and Menard, Inc. We are likewise grateful to The Ohio State University, the Moritz College of Law, and the John Glenn College of Public Affairs for ongoing support of the center.

There are so many additional individuals and groups who help make our work possible and ensure its enduring impact. We have celebrated some by name in this report, but all who interact with the DEPC team are valued partners in our efforts to shape and enrich public conversations about the intersecting fields of criminal justice and drug policy and enforcement, and their historical and modern impact on society. We hope you feel our warm and sincere thanks for all you do in support of the DEPC.

Finally, we want to thank students and members of the public who have attended our events, listened in on virtual workshops and otherwise helped us have meaningful conversations about complex and challenging topics. We are pleased to have so quickly become a trusted resource and voice in the national conversation regarding drug enforcement and policy matters.