

SOCIAL EQUITY 2.0: EXPANDING HORIZONS

Wednesday, June 9, 2021 | 1-2:30 p.m. EDT | Zoom

Panelists:

Douglas A. Berman, executive director, Drug Enforcement and Policy Center

Amber Marks, lawyer and lecturer, Queen Mary University of London

Cat Packer '15, executive director, Department of Cannabis Regulation, City of Los Angeles

Dan Riffle '03, policy analyst, District of Columbia Department of Behavioral Health

Moderator:

Shaleen Title, distinguished cannabis policy practitioner in residence, Drug Enforcement and Policy Center, and vice-chair, Cannabis Regulators of Color Coalition

TRANSCRIPT

Holly Griffin: Thank you for attending today's event Social Equity 2.0 Expanding Horizons hosted by the Drug Enforcement and Policy Center. Before we begin, we have just a few notes we'd like to share with you. First, to streamline the appearance at the event today, we suggest that you hide non video participants to do that click on the three dots at the top right corner of any participant box that has their video off and click hide non-video participants. Second, we want to draw your attention to the Q & A function at the bottom of the zoom window. You may submit questions at any time during the presentation. Third, please note that auto generated transcription has been enabled for this event. To change how you view the automated transcription or to hide it, click live transcript in the menu at the bottom of your zoom window. Finally, this event is being recorded. A recording will be made available on the event page and social media channels as soon as possible after the event. Follow us at @OSULawDEPC to stay up to date on our research, programming, and future events. Thank you again for joining us and we hope you enjoy the event. Shaleen?

Shaleen Title: Thank you so much. Thank you, Holly and thank you everyone for joining us for Expanding Our Horizons, the second panel in our social equity 2.0 series. My name is Shaleen Title. I'm a visiting expert at the Drug Enforcement and Policy Center. We really appreciate you coming to this panel. This is a really special panel to me because I think we often, when we're talking about social equity, tend to have panels that are very grounded in what's happening in existing policy or small tweaks that are being made, just like the first panel in this series which you should check out if you missed it. And then we also have panels that are full of ideas, I don't think there's a shortage of ideas and they can be really helpful, but they often don't have that necessary firsthand, government or academic experience to evaluate those ideas or, to put them in a framework of how they would pass, who would enforce them, whose jurisdiction it would be, by people who have gone through that process. And so today, I think we have a very special group of speakers who encompass both of those things and

I just want to thank you for being a part of this panel. I think, part of the reason that we got so lucky is that two of our speakers are actually OSU alumni: Cat Packer and Dan Riffle. So, remotely, welcome home! So, as far as structure for the panel, we are going to start with about 10 minutes from each speaker and I've asked each speaker to talk about an idea that they have that fits the theme of expanding our horizons and then to introduce themselves as well. Then we'll have some Q&A and we can talk either more about the ideas that have come up or bring up new ideas. And you can ask questions in the Q & A function. And I hope that you will come away having expanded your horizons for what's really possible with social equity, and that it sparks new ideas for you as well. So, the order we're going to go in is Cat Packer, Amber Marks, Dan Riffle, and Doug Berman.

And I want to say quickly-- it'd be great if you can come on the screen--that you're going to introduce yourselves and your bios are on the page, but I just wanted to acknowledge each of you, starting with Cat. Total visionary. You are so thoughtful in your work and the time that we've spent together, I feel like you're almost a sister at this point. Because it can be so rare and difficult to try and bring these ideas to life. So, I'm really happy that you're here. Amber Marks, lawyer and lecturer at Queen Mary University of London, is the leading legal expert on Spain's worker owned social club model. So, she's here to tell us about that and take time away from her family, she made an exception for us to come to panels, while she's not doing panels so we're really happy to have her here and reminding us that there's a whole world out there, besides the United States borders. Dan Riffle, a policy analyst on substance use, treatment and prevention at the District of Columbia's Department of Behavioral Health. And also someone that I really look up to in terms of marijuana policy, just visionary experience in general, and one of the first people who really saw what was going on with the marijuana industry and spoke up about it. Also someone who has been an advisor to people that we all see I think as visionaries. And then, finally, Professor Doug Berman, executive director here at the Drug Enforcement and Policy Center, one of the country's leading scholars on criminal laws and sentencing, with an emphasis on drug policy, one of my mentors and someone who, I think, really embodies being in a respected position but not being afraid to have an imagination. So, thank you all so much for being here and we'll start with Cat.

Cat Packer: Good morning to everyone on the West Coast and good afternoon to everyone who's on the East Coast. My name is Cat Packer. I'm the Executive Director of the City of Los Angeles Department of Cannabis Regulation. I have served in this role, since 2017, appointed by Mayor Garcetti. And in this role I have led the City of LA's licensure and regulation of commercial cannabis activity. Prior to stepping into this role as a public servant for the City of Los Angeles, I worked in cannabis policy reform on a number of campaigns. Worked on the Ohio campaign in 2015, the California campaign in 2016, and as previously mentioned, I have the great honor of being a three time alum from The Ohio State University so it's a pleasure to be back home and great company. I also had the pleasure over the course of the last several years of working very closely with several of the panelists and just really want to, I guess, before I even start, thank Doug for his leadership and Shaleen for your leadership and bringing this convening and conversation together about how we can expand our horizons, as we seek to advance equity and cannabis policy reform.

That's what I see my role is being as a public servant in this space. I believe that all of those in the public sector, not only have an opportunity, but a responsibility to advance equity and cannabis policy reform, primarily because decades and decades of data now make plain that what we've seen today have been historic and present inequities. And there has to be this broad and sincere acknowledgement of harms experience primarily by black and brown individuals in the drug war and what I'm most proud of today are the coalitions that are being built around the country and across the world to really center equity in cannabis. [screen freezes] There is a heavy component of local control within state frameworks for legalization and regulation, meaning that local jurisdictions play a huge role in either deciding whether or not commercial cannabis activity will take place or thwarting the advancement or allowance of of cannabis activity. Here in the City of Los Angeles, we started our commercial program back in 2017, 2018. We're now on our fourth year and I have to say, very transparently, it still feels like we are just getting started with the work that has to be done, even just for the administration of the licensing regulatory program, but beyond that, to be able to use different policies and programs to serve communities most impacted. And I've seen thus far how when when coalitions are built, and when you bring folks like academics, public health experts, experts from around the world, to the table, we can really start to have a conversation about how we move forward and do so in a visionary way.

I don't think that it's strange at all for folks to be frustrated with the status of cannabis policy reform, despite some of the progress that's been made across the country. I think we truly have to see these gains as modest to-date and work collectively to address them. That's why I'm happy to be able to serve on groups like the Cannabis Regulators of Color Coalition, and Shaleen is the vice chair, and her leadership, but really trying to bring together coalitions of individuals who are willing to put in the work to see the change...our horizons. But what I'd offer as my contribution, and this is an active conversation that's happening in the City of Los Angeles, but I see it, being modeled across the country is what we're seeing through the licensure and regulation of commercial cannabis activity, what we're doing specifically when we decriminalized activity and create these licensing regulatory frameworks, is we are modeling what it looks like to essentially, remove police power. And I say that, in the sense that there are so many different laws that law enforcement and police officers are traditionally responsible for enforcing and I think that is heavily related to conversations about the inflation of police budgets from year to year in in response to the fact that these agencies, these law enforcement agencies, are the ones that are tapped to to be responsible for enforcing various provisions of the law. What we've seen in states and local jurisdictions where cannabis is legalized and regulated is that that activity that...

Shaleen Title: Looks like we may have lost Cat. I'm going to give her like just a few seconds, in case she comes back, and if not, we can move on to Amber and come back to her. I think what she said about law enforcement alternatives is so interesting because it shows that if you think about cannabis as something where we can test out new ideas as we're building new structures anyways, it's a good way to test something big, right? It's the opposite of how sometimes people say "well, cannabis isn't going to solve everything, right, we can't use cannabis to solve policing; we can't use cannabis to solve racism." Which is true, but also, we can use it to test out something like alternatives to to policing. Okay, so Cat's

internet is out so let's move on to Amber and talk about worker owned social clubs in Spain. Thank you so much, Amber take it away.

Shaleen Title: We can't hear you, Amber. Um.

Amber Marks: Maternity leave. I've been off for zoom for some time. So, thank you Shaleen for inviting me to this panel. It's it's a real pleasure for me to take part in such an important conversation and it's such a pivotal time. And you've asked me to speak about Spanish Spanish cannabis clubs and, if I can do this succinctly enough, then perhaps I can take a moment at the end to make say a few words from it from an activist and more personal point of view. And so I'm always very happy to talk about Spanish cannabis clubs because they've actually received very little attention and I don't think they've received the praise that they deserve. I think the reason for that is because they've evolved over time. So, actually the first cannabis association was founded in 1987. And a cannabis club model, as we know it now, the first one was in 2008. And so this model has evolved slowly over time, as a result of activism, academic work, and a sympathetic and quite advanced I think in their thinking judiciary. But it hasn't resulted from a newsworthy single nationwide political or legislative initiative, and I think that's why it hasn't had the the attention that it deserves. It's also not much discussed in policy circles, and I think the reason for that is that unfortunately it's quite hard to get empirical data from it, because it's legal status. And I can go into the complexities of this if it's of interest to anyone, but it's essentially ambiguous at the moment. And so that doesn't make it quite difficult to collect data. So I just start with a brief outline of what the model consists of. And I like the way you described it, Shaleen, as a worker owned and that's absolutely the way to think of it. And so it's a democratically-structured, not for profit, members only, and those members must be cannabis adult cannabis consumers. The board members of the association cultivate or otherwise acquire cannabis on behalf of the members. Membership is restricted to persons who are nominated and are known to at least one other member of of the association and they need to be known as someone who is already using cannabis. When these associations rent premises, to provide space for them members to acquire or to consume cannabis, then we have what's known as the Spanish cannabis clubs model. And its roots are described as being in harm reduction and rights protection and as I'll talk about in a moment, I really liked that respect for rights and characteristic of the model.

So, in Spain, cannabis associations must comply with the legal regime for associations and they are essentially legal entities that consist of three or more people with shared interests. So before cannabis associations arrived, perhaps a more popular one would have been an association for people with an affinity for fishing or now, it might be a shared interest in all things green might be how it's described in the in the paperwork. So the associations have to have constitutions that lay out the basis on which they operate, and what their communal objectives are. So this constitution has to be democratic, and it has to provide for the holding of a general assembly, at least once a year. Any monies that are generated by the association's activities must be used to further the objectives of the association. And lastly, the association must be inscribed in a public register and that registration must include a copy of the constitution, which includes the names of the board of directors, but I think, importantly, not the names of the members.

A very quick potted history of Spain to cannabis club: it's important to realize that possession for personal use of cannabis or indeed any drug has never been a criminal offense in Spain. And the first association arose as a response to the prohibition of cannabis possession in public. So this was what outraged...Public...So...was born. And then, at the same around the same time, in a separate development, we've got Spain Supreme Court that developed what's known as the shared consumption doctrine. And the Court developed this because it's saw the the scope of the offensive supplies being disproportionate, given that its objective was supposedly the protection of public health. And so what the Supreme Court decided in the 90s was if someone has purchased drugs, on behalf of the group, so it's a group of friends, essentially that put in money and one person has has purchased it, then, then that drug, sorry, that that conduct is the same as personal possession, and so the fact that its shared amongst a group of friends doesn't make that supply. What, then, happened was a group of activists used this document to justify their founding of a cannabis association where it's registered objective was providing cannabis for its membership body. And for various reasons, which I can go into and which are quite amusing, there was a great deal of publicity around 2008 and about this this legal concept and coinciding as it did with an economic crisis in Spain this resulted in a boom in cannabis clubs across the country. And that the the the reason that I think the economic crisis was relevant is because this model essentially enabled communities to at least provide a salary to persons who are running the club. So, there are at least jobs for those who were involved. Now, prosecutions of these clubs were brought, but most of the regional courts acquitted those that were charged because they said, well, there is no harm to public health here, this is a group of people who have got together and agreed to designate, nominate someone to acquire the cannabis on their behalf. And so what the result has been in Spain, and let's take the region of Catalonia where Barcelona is as an example, is we now have several hundred such clubs and associations. And these range from a humble countryside premises of some 15 friends who've known each other forever and get together to share a communal crop to the lavishly decorated club premises of people who are clearly brand building for the future and they might have several thousand members. And a club what one of the lawyers represents, and these clubs, said that what he liked most about this model is that each club is its own universe of regulations. So each has its own often highly idiosyncratic mission or constitution, some of them are very funny to read, as well as a clearly defined a regulatory model in itself, the Spanish clubs are therefore a laboratory of regulatory models because there's so many different constitutions, amongst them.

And I should add that, even though the regional courts and several regional governments have declared the activities and status of these clubs to be lawful, fairly recently the central government and the Supreme Court made clear that more often than not they're actually going to be criminal. And so, strangely, one of the interesting things about Spain, despite this ruling, the clubs are all in existence and the model survives, and I think the model, regardless of how it's working out in practice and for political reasons in Spain, has got some real advantages. I like it, because it is respectful of adults rights to autonomy, so it puts decisions around the type and quality of cannabis directly into the consumers hands. It's also respectful of private life in the broader sense that understands that this should include a cannabis consumers right to socialize, so to consume cannabis in a social setting. It also importantly for social equity purposes requires minimal investment and any monies earned go right back into the

association. This might not amount to much it might be enough to buy a pool table or to rent a nice premises, but that's the decision for the particular community involved. It also has potential for achieving public health goals depending on the objectives of the members. Some members might want to invest, for example, in testing facilities or in cultivating a wide range of different types of cannabis, in order to find their desired psychic state. The production is in their hands.

Now, I also really liked the legal philosophy around the Spanish model. So, there's two key legal planks: one is the right to association, and the other is this doctrine assured assumption. And I really liked the judicial reasoning here which is you know, the idea of public health is not in danger. Where the cannabis being supplied is, at the request of an adult cannabis consumer who's known to the supplier and where the supplier is neither persuading a novice to try cannabis nor profiting from their consumption. Final advantage of the modern I'd like to mention, although this does seem to be more interested jurisdictions outside of the US is that it's capable of working in such a way as to be compatible with the international drug conventions. I think the best way to think of the Spanish club model is as a cross between a consumer cooperative like we're familiar with the food market. So, essentially the production and the distribution and is decided by the members so it's a cross between that and a private members club that have always had their own their own rules. I think, but my knowledge of the the US legislation is is limited, but I understand that there is a kind of close equivalent to this and with the arrangements made for caregivers where that is allowed to designated caregivers are allowed to cultivate cannabis, on behalf of qualified patients, and I know that there's quite a bit of case law in California, at least on on what collaborative cultivation means in this in this context. I watched the your last session and really enjoyed it and it helped me to think about how the Spanish model might be useful for you guys and I think it would be useful, because you talk and it is a problem, wherever legislations been approved for regulating the market and cannabis, is that we have this huge time lag between the passing of the legislation and the establishment of a functioning regulatory framework. And as Shaleen pointed out in the last session, for very good reasons, you know it's good to take one's time over that and to ensure social equity is achieved within that framework. And so this, I think this model could be added to your your list of intermediary mentions, perhaps. So, you talk about and gifting, not prosecuting people for personal possession, and so you could could do that here, where you define possession and personal possession quite broadly as it's being done in Spain.

So I can quickly remind you basically go context is, we have no criminal offense or no prosecution for cannabis possession or cultivation, where for personal use, personal use is broadly defined, and then we've got a democratic structure, we've got not for profit, we've got the money is going straight back into the co-op or association, we've got a space for people to consume cannabis and socialize. Arguably the not for profit status protects against the risks associated with commercialization such as the strength of the product being of consumers control, regulatory burdens, encouraging use, advertising, etc, and of course it protects and the consumer from the risks of black market in terms of exposure to the criminal environment. Also, it facilitates research into different regulatory regimes. So, I think I used up my 10 minutes there.

So, just briefly in terms of like a visionary aspect to this model taking it forward, it would be wonderful if we could include Fair Trade in our concept of social equity, and perhaps we could have collaborations between cannabis co-ops with farmers in countries where cannabis has been traditionally harvested like Nepal, Afghanistan and Mexico, Colombia, to mention if your best candidates. And, I'll conclude there as I think my time is up. Thank you, Shaleen.

Shaleen Title: Thanks so much, Amber. I don't think that we have Cat back at this time. Oh yes, we do. Let's go back to Cat, if we can. You had just started, you just introduced the idea of alternatives to law enforcement.

Cat Packer: Thank you so much. So, part part of... to kind of reintroduce this this concept, I'm not quite sure we cut off, but regulatory models, I see regulatory models that are being developed in state and local programs as an opportunity to model alternatives to law enforcement and traditional policing. What we're seeing is the displacement or the potential displacement of police as the primary tool to manage cannabis activity in a community with other types of public sector servants. And through these regulatory models, it's largely licensing agencies or public health agencies at the local level. Businesses are being treated, much like other industries. We'll see heavy participation from your local fire department or your local department that regulates building engineering and electrical requirements. And as I've seen different jurisdictions transition, even just over the course of the last several years, I've often wondered if we're taking this approach to dealing with massive commercial cannabis activity and we're supplanting and displacing traditional police models with regulatory models, it probably doesn't make sense for us to continue to have, law enforcement as the primary responsible party to deal with personal cannabis activity as well. And so I think what we're modeling here is an opportunity to expand this concept beyond cannabis and identify other areas that traditionally have been enforced and or managed by law enforcement and find a more appropriate agency to take on that responsibility. I think that we're seeing that here in the City of Los Angeles and across the country in terms of trying to provide support and services to folks who experience mental health issues or individuals who are experiencing homelessness. In the City of Los Angeles, what we've been able to do over the course of the last several years, is that there have been other stakeholders and actors who are stepping into this role, our fire department, the Department of Cannabis Regulation, stepping in and tackling, right now we're coordinating the city's enforcement strategy, and so I can see, over time, a situation where we get allocated resources to manage both licensed and unlicensed activity and are able to implement a progressive enforcement model.

The other concept that I want to be able to introduce is really using the cannabis tax revenue that's generated from commercial cannabis activity to fund Offices of Equity. There are several different jurisdictions across the country who have established Departments of Race and Equity that are trying to do the work of identifying and eliminating disparities in public service. And there's often been this conversation, as we talk about social equity and questions get asked about what role should cannabis policy reform play, what impact you cannabis policy reform have on the impacts of racism in our community? And I think that if we're intentional about allowing the revenue from commercial cannabis activity to be directed directly into agencies that are specifically tasked with being able to

comprehensively identify and create strategies to address inequities then we will have models where there can be an ongoing opportunity for us to use cannabis policy reform and cannabis tax revenue to drive policies that are specifically anti-racist. So, I guess just generally the models that I can envision are one, using that tax revenue to promote specifically anti-racist policies, but also modeling alternatives to policing through licensing and regulatory programs. And I'll pass it back to you, Shaleen.

Shaleen Title: Thanks so much, Cat. Let's move to Dan Riffle. Thanks, Dan.

Dan Riffle: Hi everybody. Can you hear me?

Shaleen Title: Yes, we can hear you.

Dan Riffle: Sounds great. Hi everybody, it's good to be back. I want to thank Professor Berman for inviting me. I look forward to the day that we can do this in person. As Professor Berman knows, I still have family in Columbus and look forward to coming back for these panels whenever I can see them. I was actually just there over Memorial Day weekend but would love to see the 50 plus of you who are there as attendees today. I was scrolling through that list I saw some heavy hitters in there. I saw Pat Oglesby. I saw Micah Berman who's there at the law school doing public health policy. So, always a pleasure to talk to a roomful of smart people, whether it's an actual room or virtual like this. I get 10 minutes here, I don't think that I'll need 10 minutes so I'm going to try to save some time for Q and A. I always find it more engaging to answer specific questions that people have than for me to just sit up here and drone on.

But I have been tasked with talking about another potential alternative model for making marijuana legal for commercial sales of marijuana, and that is through a government-owned or government-run distribution model. I think, you know, a lot of folks particularly our American attendees, which I assume is all that maybe one person on this call, tend to think of things as either legal or illegal and if they're illegal they're in a black market, and if they're illegal they are bought and sold in stores. And that's sort of how legalization has gone so far. I think that's partly just a you know, like I said, a fact that of life in the United States, a capitalist society. And it's also because some of us who are in the drug policy movement, and that includes me for many, many years before the House, and now where I'm at now. You know, we we ran campaigns that talked about marijuana as a product like other products that are bought and sold in stores. We specifically called the the initiative in Colorado Regulate Marijuana Like Alcohol. And, you know, alcohol is, you know, for the most part, bought and sold in stores. And you know people also draw analogies to tobacco as well and other sort of vice substances. But what I want to suggest is that, and this was sort of touched upon earlier in Amber's comments, and I think you know Doug's classes have talked about this, I actually have a slide here, if I can share my screen or not, but I don't think so. But there's a RAND report from I think it's 2000-, way back when, like '14 or '15 where they were talking about this with Vermont legislators and they sort of graphed it out and you had over here a couple of options that we see normally which is you know marijuana is illegal and penalties are high or penalties are low and then you have a couple options over here where marijuana is illegal and it's generally sort of been sold in stores and then there's you know, eight or 10 other options in the middle that include government monopoly, which I'm going to talk about, government sort of public

ownership authorities, you see this sometimes in states that have development authorities where it's not exactly government run but there's a public entity that is licensed by the government to run it. You also have what we just heard about from a previous speaker that sort of Spanish cannabis club model, you can have you know, worker-owned cooperatives like she was talking about, you can have other sort of nonprofits you cannot b-corps, you can have you know any sort of range of options, where marijuana is bought and sold that exists between illegal and you know regulated like alcohol.

And I actually came to this my thinking in support of that model was primarily because of-- there we go, we can-- she's got the link to it there, anyway. I can't do it through a revenue collection model. You know, one of the primary reasons, maybe the primary reason, why I think marijuana should be legal is that it's just a great deal of revenue that's being left off the table. There's demand for it, there's going to be supply. Why don't we just you know, have a model where we at least you know capture some of the revenue from that? And you can do you can do that through taxes we do do that through taxes, you can have a 10 or 20 or you know 40 or 60% tax, if you want, but if you do that you're leaving 90 or 80 or 60 or you know more percent of the revenue on the table. Why not just have the government, if your goal is to collect revenue, why not just have the government grow and sell marijuana itself, or at least sell marijuana itself. And then at that point you're capturing 100% of the revenue. But the other thing I think that attracted me to it, too, is the public health element of this. You know marijuana is not as dangerous as alcohol. You know, I think it was very smart of us to run campaigns, where we talked about marijuana being less harmful than alcohol. Marijuana is certainly not as dangerous as tobacco or lots of other you know drugs that are out there. There's no risk of overdose. I think you know the there is some risk of you know, addiction or dependency, depending on how you define those terms, but it's relatively low compared to other substances. But it is a drug, and it is, it does come with some harm however modest we want to characterize them. And the goal in growing and selling marijuana should not be to grow and sell as much of it, as we can, and to sell it as efficiently and effectively and fastly and cheaply, as we can. It should be to do so somewhat responsibly. And I think a public model, a government run model, can do that, in a way that the private sector, with the profit motive, cannot. I mean if you're a business, you know, ask Milton Friedman, or you know, William F. Buckley, the goal of the shareholder model is to maximize profits and revenues, and the way that you're going to maximize profits and revenues if you sell marijuana is to sell as much as you can. And so you're going to target people who are heavy users, you're going to try to indoctrinate you know or target young users, the way that you know, tobacco industry did back in the 70s and 80s. And I think you know there's the real risk and we're seeing it in some respects now there's a real risk that we repeat a lot of the mistakes that we made with the tobacco model, and I think frankly we haven't acknowledged some yet, but some of the the mistakes that we made with the alcohol model as well.

But setting all that aside, this is a social equity panel, and so I want to talk about one of the other benefits of a public run model which is that social equity thing. You know, I don't want to go on at length about talking about the ways in which we have tried, and I think failed, so far to do efficient, effective, you know public equity implementation thus far. I think you know Cat and Shaleen, with their experience and their positions can do a much better job of that than I can and maybe they have different views on it.

I'll defer to them. But, generally, the way that we have tried to do social equity, aside from collecting a little bit of tax revenue and devoting some of that tax revenue, but not all of it, you know to you know rebuilding communities and distribution to communities that were targeted by the war on drugs, the primary way that we tried to do it is through licensure and setting aside a certain number of licenses for minority applicants, or you know applicants who were maybe have a you know, an arrest or other sort of police interaction in their history.

You know, again I'll defer to Cat and Shaleen in terms of the experience with doing that, but you know we've seen examples of people putting together applications where they have a minority applicant you know as part of the ownership team and that person who's on the team has no real role in running the business. You know their their ownership stake is is there basically just to help had points to the application for the you know likelihood of them getting the license. Even if that weren't the case even if you have you know above board application and let's say it goes through, and let's say this person gets a license, generally speaking, that is going to be a person who's already got a great deal of wealth and money and power. The way that it works in getting these licenses in these states, I mean they're just so valuable that it requires you know, having a team of lawyers, having an army of consultants. We're talking not just dozens, not just hundreds, but thousands of pages of you know, like when you see people submit their application, you know it's not like you applying for a job, where you send in your resume and cover letter and references. I mean, people are we literally wheeling in pallets of paper with all of their documentation you know, showing the you know investment team and the amount of money that they have in the medical experts there. So it's it's a very, very expensive process. Generally speaking, if you look at the experience in other states it's going to require you know greasing the wheels politically, so to speak, and most of these, a lot of these licenses go to people who have friends in legislatures. We've seen you know actual corruption stories in a number of places: Florida and Maryland. So, you know if you if you want to do it by licensure set aside, it's gonna be hard to target, you know it's going to be hard to get a license to a real small mom and pop operation. Generally it's going to be people who are highly educated, come from affluent backgrounds, have a lot of political power already, and so you know you're not exactly picking somebody out of a hay stack. You know it tends to go to somebody who's already got the power. And even if that we're working, even if, even if the model, the license to set aside we're working, you're just giving you know, a lottery ticket, a winning lottery ticket to one or two or four five minority applicants. And you know if your view of wealth inequality, if your view of you know fortune 500 company CEOs and the problems that they pose is that there's too many white men, which is definitely a problem, if that's your only view of the problem, then maybe that's a good solution to you to have you know four or five more millionaire billionaire minority applicants.

But I think if you really want to do structural reform, if you really want to do social equity and rebuild entire communities, and not just make another millionaire or billionaire, I think you have to have more broad-based distribution of the benefits of marijuana legalization. And so, I think you can do that through a government run monopoly. The statistics on this are very clear. Minority hiring, minority retention, minority pay, minority promotion are all much higher in the public sector than they are in the private sector. And you know, in terms of job creation, you could have one license holder, who is you know, a

minority applicant, maybe he hires one or two managers who are you know minority employees, or you can have actual hiring quotas in the in the public sector, and you can have dozens, you know, depending on the number of stores, that you have in your state, hundreds of jobs that are going to these communities to you know target folks who have arrest records, who have you know felonies on the record from you know marijuana growing or distribution or possession and sales. You can, you know, instead of having one billionaire you can have a dozen hundred-thousand-aires. Or you know, depending on, you know, however you want to structure it.

But the point is even if the models that we've seen in terms of licensure set-asides, they really haven't worked with us far. I haven't read a lot of ringing endorsements of them being effective in terms of targeting the benefits of legalization to minority communities and reinvestment in those communities. But even if it were effective, you know the best that we can hope to do is create a half a dozen extra millionaires from those communities and hope and pray that they pass on some of the benefits to their neighbors and other folks in their communities. I think there's a better way to go about it, I think that you can you know actually direct to the benefits wholly to those communities rather than to you know, a small subset of them and do it in a more-broad based and effective way. I could go on and on a little bit more about this, but I think I'll stop right there and let Professor Berman go and save any anything else for the Q & A. Thanks again, Shaleen.

Shaleen Title: Thanks, Dan, for those really great points. Looking forward to talking more about them in the Q and A. Let's move on to Professor Berman.

Douglas Berman: Hello, everybody. Thank you all for attending and for all the other speakers. I'm incredibly grateful to have a chance to talk on these issues and and sort of think big. That's what us academics, sometimes get paid to do, and maybe it's sometimes all we're good at. In this setting, thinking big is is very much how I came into the marijuana reform space. Because I'm a criminal justice guy, I've been working on sentencing issues, a variety of criminal justice reform issues for a very long time, and realistically, I came to look at marijuana reform as having this incredible potential because I had gotten so depressed and discouraged with criminal justice reform on other fronts, a decade ago, or longer. It was really during the Obama Administration, when I was quite disconcerted by how little big ticket criminal justice reform was going on, despite lots of talk and lots of bases to believe that the the politics that had started finally shifting towards reform possibilities. And at the same time, this is when we were starting to see from from very much the the the the bottom up, the grassroots efforts obviously, starting with full legalization initiatives in Colorado and Washington, but with sort of continuing talk about the need to do something about the war on drugs, generally, but you know the war on marijuana, in particular. And yet, at the same time, I was quite disconcerted that, particularly in Colorado and Washington, I think, not surprisingly, particularly white states, that social equity, any kind of equity, was sort of left out of the conversation. The belief was, the fear was, I think that focusing on the harms of prohibition, the past and all the racial inequalities, would alienate or at least make nervous the soccer mom voters or the other folks that was thought to be needed to build a coalition toward reform. But I thought at the time and, and you know was was sort of advocating for more intentionality here because I

sense that there was at least talk about doing better in the criminal justice space on racial equity issues and others.

And I in some sense wanted to test out whether or not it can work in the marijuana space, if if cannabis conversations couldn't talk openly about the importance of addressing racial inequalities. And especially given the ACLU's work, many other people's incredible work at the disparity and enforcement, and all the downstream consequences of that, I guess, I was thinking, this is the place to test. And I think Chilean you talked a little bit earlier in response to Cat's comments about policing reform. I thought, and I think it's continued to be true, that the cannabis space is the area in which we can find out can this work? And I guess maybe the the depressing part of it would be, if we can't make it work here, we shouldn't be optimistic we can make it work kind of in other areas with other substances, with other forms of reform. But what we've seen, and what has really encouraged me greatly over the last decade, is as the cannabis reform movement has built up steam and momentum, not only has racial equity, social equity, a variety of these concerns been more a part of the discussion, they've largely lead the discussion. They've been fundamental to what a number of sort of political constituencies say has to be part of any reform. And to see that build, to see how that's become centered more, still hasn't been centered enough, certainly isn't a focal point for everybody doing work in this space, and, of course, the results on the ground, almost never match up to the aspirations, either for advocates or you know even what the law tries to achieve, but I think what we've seen over the last decade in how more political wind has gone in the sails of those who are speaking about these issues and wanting to center them in the conversation is very encouraging and leads me to say we've got to go harder. We've got to go farther. We've got to look toward building infrastructure and have ambition in the work here.

I particularly focus on the criminal justice side of things, but I think that's true across the range of issues that cannabis activities raise. I have in the chat here, I'll just sort of put it, which was sort of the article that sort of launched for me the thinking about wanting to leverage the success of reform in the cannabis space into broader, institutional structures and broader achievements. In particular, I'm thinking about expungement practices, where you know it it struck me is just mind-numbing that we would create a commercial industry here, so people could make a fortune doing things that people still had a criminal record for, and you know were still being shut out of not just the cannabis industry, but a whole bunch of other industries, because of that criminal history. And it struck me that it would resonate with voters, it would resonate with politicians, that that is just an injustice that that should not persist, that we need to address. And what we learned in this space which, again, I think, is not only been valuable in the cannabis space, but has been an education for people across the criminal justice reform spaces, you know what, having a petition based expunged system that's a start, but that still leaves a lot of people out and there are all these barriers to broader access to record clearing and record relief. We need to approach an automatic system. And you know what, my understanding in California and a few other jurisdictions that have automatic systems, that's not good enough, we need to be even more proactive, we need to kind of move forward beyond even you know, 2.0 of expungement and understand that there are still people being left behind, people not getting the full benefit of of these laws and these practices.

And that, again, is what leads me to particularly and I concluded this first article, you know focused on building infrastructure. There ought to be an office. I heard Cat speak of, you know, creating Offices of Equity based on the revenue from cannabis reform. I think that's a great idea. I want to build criminal justice infrastructure as well. Offices of Justice Restoration, or I saw in one of the chat comments references to reparations building, you know Offices of Reparations. It's always going to be, and I think we can talk and I'd love to at the Q & A, kind of give my speculations about you know why this is more political saleable in this space. But I think it's partially because cannabis use is far more widespread than anybody even knows or admits to, and I think you know whether you want to call it you know, liberal guilt or some variation on that theme, I think enough people recognize, across the political aisle, that they've been permitted to quote unquote get away with something, or in some sense have had de facto legalization, that has only benefited them. And the more we're raising consciousness about how many other people have been harmed while whether it's you know an individual user, their children, their parents, whomever they know that might be a cannabis user, has you know really been able to avoid any sanction or really any stigma, although of course that stigma does you know extend probably to just about everybody, and still is there.

And so you know, against that backdrop, I not only look at the expungement space, but I look at a range of other criminal justice spaces, I look at a range of other public health and public safety spaces, right. I know Cat and I have talked about this a lot, there are incredible inequities in our healthcare systems. And I don't know, I'm actually sort of frustrated, you know we can't study everything in our center, we're certainly trying, you know that there isn't as much intentionality about whether or not medical marijuana programs are delivering healthcare more equitably. My fear is they're probably doing it less equitably because we know that there's not insurance coverage in a variety of other structural barriers both formal and informal to people's access to cannabis and medical marijuana systems. But that's still something we ought to be studying and not studying just to find out is medical cannabis regimes inequitable, but does this give us another window on, does this give us a deeper understanding of, healthcare inequities writ large. And I'm not one who's going to say, and I I tend to be overly optimistic, at times, but in this setting I'll be very pessimistic, that any study or report or new finding about how inequitable our systems can be will miraculously lead everybody to say let's work on this and let's extend that to every other area so that we you know are sort of anti-racist in every respect. But I do think in an interesting way, I've seen in the expungement space, I think we're seeing it a little bit maybe in other criminal justice spaces as well, that there's kind of an ability and a willingness for people across the political spectrum to kind of acknowledge how wrong we've been. And that openness, I think, can and should lead to a greater willingness to work on a set of other issues.

But again, only if I think there's both the ambition to do so, so that every bill we're working on, not just in the cannabis space, but in ancillary spaces, is constantly thinking about social equity, is constantly working toward the other point I'm making, which is building infrastructure. Because once you have people who are working on these topics on a regular basis, once they're studying inequities in the healthcare system relative to cannabis, they're going to have a new understanding of inequities and the healthcare system on other topics. Once they're working on how do we make sure that people get

resentenced for old cannabis offenses or get their conviction expunged, they're going to have a new awareness of how we need to work on those topics across a range of not just war-on-drug convictions, but other kinds of convictions as well. And so that's where I you know I see just incredible opportunity to build out. And, at the end of the day, and this is where Dan's comments is a sort of variation on this theme, you know I think the tax resources, the economics here is key. I really feel very strongly that you know at least half, if not probably a huger chunk of whatever tax revenues are being raised, needs to be reinvested in these topics and issues.

And, again, I think, you know, there's a bunch of different ways to build out infrastructure that is going to pay back dividends. Maybe not economic dividends directly, but social equity dividends and just good public policy dividends. Because all the areas that we're talking about, you know whether it's just any qualities generally or you know specifics about how they relate to drug enforcement and drug policy, those are areas that are so under invested, in anything but law enforcement, right? That's been the core problem. We've over invested in law enforcement in these spaces and as a result, we have law enforcement models. And we have people who lobby to keep money going to law enforcement models, even when they fail because they're quick to say, well, if we just had more money, then we'd be able to do better. And of course there's no corresponding lobby for other infrastructure saying yeah maybe things aren't going so great, but we need more money and so part of it is just to try to create a kind of equity in who's lobbying for the dollars that are coming out of this industry and come from state coffers, more generally, but part of it also is just to have people who are personally and professionally committed to doing better in different ways. And so you know, against that backdrop, I remain you know quite bullish because I think we're seeing this certainly in the criminal justice space, I think we're seeing it in some other spaces as well, but I think advocates need to keep kind of their foot on the gas, so to speak. And the last piece I'll I'll finish with is, and it requires I think a lot of people in the cannabis space to work really hard to draw in people from those sort of broader spaces. I have struggled, candidly, but I'm still pushing, it's hard to say again, to get as many legal academics who work on criminal justice reform to pay a lot more attention to the cannabis reform space, so that they can see the potential that's there. I think the same is true for healthcare. You know, academics and others anybody working here it's not just pushing our space and pushing the politicians and the advocates to think big, it's getting the people who are already thinking big in other areas to understand that there's a lot of potential here and that there can be real dividends from working together on these issues. So I don't know if I kept within my 10 minutes. It's always hard for me to do so, but I think that's about right. And I certainly am looking forward to to Q & A and and hearing hearing more from others.

Shaleen Title: Thank you, I think the time is is great, of course, we could talk to all of you for hours on these topics, but we have we have a good 30 minutes for Q & A and we have some great starts that audience members have have contributed and feel free to keep doing that. My first question is for you, Doug, and I you set me up for it a little bit, which is great, when you talked about the political salability of this idea. What role do you see for academics in social equity?

Douglas Berman: I think there's an extraordinary need to both legitimate these subjects. So, part one, is the more you study something, the more it becomes respectable, right, and respectable for other

academics, respectable for journalists, respectable for politicians, respectable for students. And I will say and it's funny because you know I faced, even as a tenured you know senior law professor, you know not quite stigma, but just kind of you know a little bit of cynicism. Oh, you want to teach about weed because you know that'll make you cool with the kids. And I'm like well, maybe, but you know, one of the things that's that's fun to think about there's so much here that not only you know, can and should be elevated in terms of a discourse, but that is just so hard and interesting and only academics, this is really the other part, that that motivated the starting of the Drug Enforcement Policy Center, only academics can come at these issues with, I don't want to say open mind, lots of people are open minded, but with kind of a a different kind of agenda, than you necessarily are going to have from industry participants, from government regulators, from advocates, right?

And so, you know, really what drove me to start the center was kind of a frustration that I'd get an email from an advocacy group on you know every side of these issues, and every other issue is sort of like this as well, I'm like, okay, I already know what this email is going to say, because the headline says new cannabis study. Okay, you know who is it coming from? Is it coming from you know, SAM? Is it coming from MPP? And and I know they're all working in good faith, but what academics can do, first they have a certain you know, I think sometimes justified legitimacy in coming to issues without necessarily you know and advocates agenda, but, also, the more we work on these topics, the more we create space for a range of different people, a range of different types of advocates, a range of different students and and journalists to kind of recognize this is just an incredibly important and valuable area to do work. And there's still so much we need to figure out. And I want to encourage all the speakers to jump in or raise your hand if you're more comfortable raising your hand and and talk to each other.

Shaleen Title: If anybody else wants to weigh in on this question that'd be great. I can say, when I was approaching people who had written papers and academics to inform policy decisions that we were making, they would often say that they were surprised. You know they didn't usually hear from policymakers. But then you know, they were almost always happy to weigh in. So I think part of it is just being proactive. Cat, did you want to add anything?

Cat Packer: I would just add I mean there's there's just such a need for information and data. There's such an information gap that exists, and as a regulator, there are so many different decisions that get made from a public health perspective, from a public safety perspective, a quality of life, equity issues and without the data, we're making decisions in a vacuum. And so I really appreciate, you know, Doug's appreciation for the infrastructure that's necessary. And I know one of your next questions but it's a tedious process to set up that infrastructure and I think that that's that's part of the challenge that folks have this space is that it can be overwhelming to take an accounting of one, the harm, right, but then, once you acknowledge that harm, you you should feel overwhelmed with responsibility as well. And so, how do you navigate moving those conversations forward. I think it absolutely requires you know academics working hand-in-hand with policymakers, regulators. It's going to take a coalition for us to figure this out. No one organization, sector is going to be able to tackle this independently. And so I'm proud of the coalitions that I've been able to be a part of. But it it feels as though in one in one vein, things are moving very rapidly and it's kind of difficult to take stock of the lessons learned. And I think

that academics can play a whole a huge role. You know, I imagine a network of colleges and universities and the ability for folks to just engage an open dialogue like this, capture all of this information. Because the concern is that next year we don't have the lessons from this year, we're going to repeat those same mistakes. And so there has to be this this network of and coalition of folks who are collecting and sharing data and government isn't doing a great job at it.

Shaleen Title: I have one more question of my own and then I'll move on to the audience questions. And we have panelists who are doing this with infants that we are incredibly grateful for so come in and out if you can. So, my next question primarily is for Cat and Dan given your government experience. Basically, why is it so hard for the government to come up with and implement new ideas given that their role is to create public policy? And I wanted to quickly share I'm reading this book, *We Have the Possibility: Harnessing Public Entrepreneurship to Solve Our Most Urgent Problems*, and they had this passage that captured it so well, was so consistent with my experience. "If we had a new idea around here, it would die of loneliness, Mayor Menino used to tell us, and not happily. Teams with people in their roles for a long time, struggle to come up with new ideas and we've learned the art of self-protection. We don't want to look intrusive in our organization, so we don't offer ideas, we don't want to look negative, so we don't criticize the status quo and, moreover, even if we were brave enough to share new ideas, we wouldn't be allowed to try it anyway, so why would we even bother to think it up." So can you comment on if that's consistent with your experience, too, and why is government like that? You're both on mute, so whoever wants to take it.

Dan Riffle: Cat has out waited me so I'll go first. She can correct all my mistakes. But you know I don't I don't know that I can say it any better than the passage in the book did. I think it's particularly hard, here in the in the States, I think, at least with respect to this thing or my topic of government directly being involved in selling marijuana. I think it's particularly tough in the US, because we just have you know a much more capitalistic culture and sort of view towards these than than other places. I mean Uruguay, when they implemented marijuana sales, Canada, or at least many parts of Canada, they actually have pursued this model and there's some good data coming out of Canada as well. You know, the two states or the two provinces in Canada, not not every province in Canada has you know government stores, but the two provinces in Canada, I think it's Quebec and Prince Edward Island, that have the highest market share, meaning they've they've taken most of the marijuana that's being sold in those provinces, they have they've taken most of it from from the black market, are two of the provinces that do have a government monopoly. And you know government can be much more nimble in this you know.

The private sector has to turn a profit, has to satisfy their shareholders, they have to pay back the loans that they took out to to get this license and get going. The government is doing this as a public service. You know they can set sales and prices very low. You know the government doesn't have to pay a tax, it is the government. So, you know, they can undercut the black market, much more easily and that's what we did with alcohol. When alcohol prohibition ended, alcohol taxes were set very, very low very concertededly with the intent of undercutting the black market. And then, once the black market went away, it was much easier to raise taxes and not have to worry about you know competition with the black market because mostly didn't exist anymore. But you know, it is surprising to me that this doesn't

get more traction. I mean I have seen a bill introduced in New Mexico. You know, those of us who talk about this issue, we've talked about this one store in Washington, in Bonneville, I forget the name of the town, but I think it's like North Bonneville, Washington, where they had a public development association or that sort of ran a store. But you know, many states run the lottery, if you want to talk about vice. Several, many states run alcohol sales, if you want to talk about drugs. I'm in D.C. If I want to go if I go across the river to Virginia and I want to buy whiskey or any other liquor, I have to go to an ABC store, which is you know it's not directly government run but it's it's licensed government licensed. And so, you know it has been done and and the evidence is pretty strong in those states, I mean from a public health perspective, DUI rates and fatalities are lower in states that have ABC stores, because you know, at least the theory is that you know it's just less available. There you know you see fewer sort of last minute purchases in those states.

But, but back to your question, though Shaleen, I you know, I think you know, we have two parties in the United States, one of which is 100% committed to private sector and the other is probably about 80% committed to private sector. So, it's just you know it's I think a uniquely difficult problem here in the United States that you don't see in other countries. I mean, and I talked a lot about the the government model but I'm perfectly happy to talk about other alternatives, including the nonprofit or the co-operative collective model and the tried and other states we heard a lot about the Spanish one. But yeah, I wish I had something more constructive to offer, but it seems like a fairly intractable problem that I don't see a solution to anytime in the near term. Yeah, do you have anything you want to add?

Cat Packer: I think I would just say I've seen, I've seen different jurisdictions come to the table and explore cannabis policy reform. It seems as though there's a hesitancy to participate. Folks wanted to wait and see, and I can value wanting to have data and information to drive decision making, but I felt as though there has been this fear of failure in this space. Right? Folks don't want to participate because they are afraid of failing and when you're doing something for the first time and there may not be models for what success looks like the challenges are exacerbated. But I I've always struggled with just the concept of being afraid to try to to implement change in the in the first place. And so I've appreciated you Shaleen, when you've talked about how helpful criticism can can be particularly when it's constructive, so that we can move policy conversations reform forward. But I think that unfortunately we're in a space where politically we need leaders who are willing to be courageous enough to be bold in the actions and visions that they're they're setting and I feel as though too many of our leaders are in a space where they're too afraid to even try, or put the effort, time, infrastructure, because they recognize again this overwhelming accounting of responsibility, the infrastructure, but are afraid to put the time in on resources because they're afraid to fail.

Dan Riffe: What one other point through that I wanted to add just on this specific issue of marijuana legalization and and the government monopoly angle is the fact that it remains illegal federally I think does constrain the states in terms of the models that they can look at, in the ways that they can go about this. And I don't want to teach a constitutional class on preemption, I think they have a constitutional lawyer here who can do that, but the long and short of it is if you are an opponent of marijuana legalization and you want to sue and stop a tax and regulate regime from going to place it

would be much easier to do that if the state was directly selling marijuana in violation of federal law, than, if the state was you know licensing other people to do that. You know I still think there's a pretty good preemption case in the latter but it's it's a cut and dried straightforward preemption case in the former. I've talked to people who write ballot initiatives on this stuff about you know the government monopoly model and they're like yeah it's interesting you know we're monitoring what other countries are doing that, obviously we can't do that here in the U.S., because it's still illegal federally so.

Shaleen Title: Okay. The next question is about the free market. We have multiple great questions about that. I did want to say really quickly, though, that I want to emphasize what Cat said about being afraid to try, because I think people really often forget that it can be very helpful to criticize people who are trying, but if you criticize them and then you don't also positively reinforce the behavior that you do want to see, then, just think about it, there's absolutely no incentive to try and that's a that's a very real phenomenon that we see. Before we move on to free market, Amber did you want to weigh in? Okay, all right um so Sarah Siff, who's part of the the Drug Enforcement Policy Center and Eapen Thampy have both asked why can't we look into open access slash free market licensing, or why can't we simply tax and regulate without the licensure component? And this is a good question because there is a great argument to be made, looking at the data so far that Oklahoma, which has no social equity program whatsoever, but in fact has just treated marijuana licenses like any other business, lowered the barriers to entry and allowed for a very large diverse group of business owners that so far that "equity" program has worked better than than the the ones that limit licenses. And I'll say in Massachusetts we have different city models and in places like Boston, that have limited real estate and a dense population and an equity program, if you compare that against places in western Massachusetts that have all kinds of real estate and it's just slower barriers, it's definitely you know, even if one's not better than the other, maybe the Western is even better. So can you talk about that, and can you talk about how that might be applied to future states and federal policy? Does anybody want to take that first?

Douglas Berman: Yeah, I love talking about Oklahoma especially because I haven't been there, a long time. You know, I'm disinclined to assume that you know the Oklahoma model will kind of work everywhere, and of course it's a medical model and that itself sort of shapes things. You know, to some degree Oregon is adopted the same kind of open licensing model, and you know my understanding is it's been less successful there, although that's itself you know, maybe a first mover issue and other things as well. To me, what I think is so valuable about this question is not only to be open minded about the possibilities, but again, this gets to what you all were talking about about sort of trying and be prepared to fail. You know, maybe there are other models that can incentivize the marketplace that actually could have even more benefits, than you know let's give a certain amount of license to it, so that certain people just go for that.

You know what if we had, just to throw an idea out there, you know, a reward based system, right, so that you have a set of social equity benchmarks and the government doesn't say you only get a license if you meet these, you instead say those who have met these you know over the first year or two years of operation, we will then give you additional funding to do this or that right? So that way, everybody in the marketplace then starts competing to try and get there, rather than just have what I think you know I

sense happens now in the licensing side of things, which is just oh, you know I'll either try for one of those licenses or I'll try for the regular license and I'll try for the regular license I won't even try to do any social equity, you know that's for those other people to work on. Right? And so you know I don't know if a reward based model or other, you know mechanisms to try to sort of build it, it could even be built into the tax structure, I think, Sarah mentioned that as well. You know being more creative against the backdrop of what you know I know you're writing on this and as as we speak, Shaleen, you know that the experiences so far have moved us forward and we're learning along the way, but nobody should say well the models we've been trying have so obviously worked let's just keep replicating them. Right? And so, but again that's the challenge of you know is government able to be creative or you know, can we try new models? I will say, and again, this is so funny coming from Ohio especially, I'll I'll shout out our Governor, you know, he had the, I don't know I suspect it wasn't him, it was probably one of his staffers, who said hey let's have a lottery to get people to take the vaccine and it would have been very easy for a bunch of people to say that's crazy and a dumb idea, in fact, a lot of people on Twitter said that's crazy and a dumb idea, but my supposition is it's worked pretty darn well or at the very least it's gotten him a lot of attention right and maybe that's part of what is inevitably part of the currency for certain politicians but you know that that we've seen creativity in that space and not here itself is another kind of reminder, you know that that advocates need to sort of urgently push trying new things out as you were suggesting before and not being afraid to fail.

Cat Packer: I can interject. I think what is interesting is I have these conversations with other jurisdictions are setting up their regulatory programs, and they asked essentially how they can create or try to advance equity in their licensing programs, and one of the things I like to start with is is just getting a sense of kind of what their their market is because the reality is is, if you don't have access to licensure, you can't have equity in licensure. If you don't have access to licensure, you can't have equity in licensure. And so, there are, of course, these very, very limited regimes, where there is little to no access to licensure, but I think to to Dan's point, it's all relative because everyone's not going to participate in the licensing program. And so I think the challenge that we have as regulators is that we're trying to do all of these things to reduce barriers to access, that's the intention behind many of these programs, but if you don't have the the licensing opportunity on the back end, then it doesn't matter if you have a fee waiver, or you can provide technical assistance, folks aren't going to be able to translate that into the economic opportunity that comes with licensure.

Separate but related to this is that we're still very much in our early and nascent days of the evolution of our licensing and regulatory programs and our equity programs in particular. And we have to, there are going to be challenging conversations that we're having about the sustainability of licensure, particularly in an equity context, because we know that as markets evolve, there is mass consolidation that occurs, and I think we're all expecting that when some type of federal reform happens, they're going to continue to be these mass consolidations. And so to points that have already been raised, I think if we while they're all of these models that exists with with local and state policies interacting, there are a thousand different ways to license and regulate cannabis activity, but if we're not collecting the data to see what

outcomes those different models are producing, we're not going to be able to say something like, in a free market model, with x, y and z variable, we were able to produce this particular result.

Dan Riffe: Yeah, that's that's a great point. I was just going to add that I think you know the obvious answer to why we're doing the licensure model is that people see marijuana as a dangerous drug. You know, most of us have grown up in a time where marijuana was illegal and in the same schedule as heroin or cocaine and you know, for the last 10 or 15 years we've talked about marijuana the same way that we talked about alcohol or tobacco. And yeah I mean you can just open up a restaurant anywhere and you don't need necessarily a license to do that, but if you want to sell alcohol and your restaurant, then you have to get a license to do that. I think it's entirely possible that we get to a point 50 or 100 years from now, where people look at marijuana as harmful, the way that say fast food is harmful or you know not exercising is harmful, and so you know the the the tier of danger associated with marijuana becomes low enough that we don't necessarily see this as like, we can only have a small handful of people selling this, it can't just be everywhere.

But I think that's generally a good point, and you know I say that as somebody who comes from the sort of left end of the spectrum politically. I've worked for Keith Ellison and of Ocasio-Cortez so I'm generally a big government guy, but there's no denying that you know, the more we try to do as a government to steer this program in one direction and sort of you know, get our hands on micromanage anticipate everything with rules, the more rules there are, the harder it becomes, you know, the thicker those application packets get, the more costly it is to apply for a license and you know, to an extent, the the more people we exclude right from the get go before we even start looking at those applications. So, I think it's, I think it's an entirely fair point and something that you know states are laboratories of democracy and Oklahoma is doing something that a lot of, not a lot of other States are doing and, so far at least, it seems to be working and if it continues to go that way, then I think other states should look at replicating it.

Shaleen Title: I've often liken it to building a bridge. If you make a process that has low barriers to entry, people can cross that bridge, but then, if you have special benefits to people have been hurt by the war on drugs on top of that, you're helping people to cross the bridge, but you can't cross them before it is even built. So, we have time for one more question and I think this one is kind of an exercise in being visionary on the fly. It's a great question, I also see that people are putting basically comments in the Q & A. By all means, feel free to do that. So, this question is about the Illinois R-3 program. So, this creates grants to take tax revenue and funnel it to disproportionately harmed communities. It's considered a gold standard in the cannabis policy world, but a lot of people in Illinois will say what Lawrence has said, which is that it's an elite top-down vision of social justice, and so the question, and this is the visionary exercise, what should be done to ensure genuine, participatory, community control of who is empowered to pursue so-called reparations for the war on drugs? And if you want to answer this and also make your closing comment, let's go Doug, Cat, Dan and then Amber if she can make it.

Douglas Berman: There we go. I tend to like smaller decision making bodies right and I, so you know really think you know looking to push down the decision making to the community level and then incorporate as many people into community decision making, and I think this is again where my own

vision of where cannabis reform, you know connects to so many other issues. It's important for that community to be able to say, you know, either we don't want reparations, if that's one of the things they want to say, and I certainly think there are some rich communities that might be eager to say you know we shouldn't get some of this tax revenue, or we you know we're going to be altruistic and thinking that other communities needed more. But then it also can be we don't want to use this money to have cannabis businesses here. Right? We we have other needs in this community, we have other visions of how to repair the harm that we've seen done here, and I think that's something that only local communities can decide.

And I think that's where for me it's a structural model of thinking about how this goes and then building out the resources. And here's where I'll even return to my own affinity for direct democracy. Right? Maybe this needs to be something that gets voted on by the community. Right? And some people don't vote, there's structural barriers to that as well, but you know I think it's important to also recognize that, and this is with all due respect to all the people here, myself included, you know lots of the voices here, even the most progressive ones, are elites in a kind of way that voting still is, but isn't as much, right? And so part of it is not just building structures for local communities to make these decisions, but thinking about models that get people invested in, this has been a big part of what I think has led to marijuana-reform-as-an-initiative approach crossover. "Wow people show up to the polls to vote on this topic? I better not say I hate it, right, and risk losing that voter?" And that has its own sort of valuable churning effect to getting community members invested in this. Right? And so, you know, thinking again about can this be a guide to improving democracy at the local level above and beyond whether it provides reparations at the local level and and that's the kind of big thinking that I think everybody should be working on as we work through these hard issues.

Cat Packer: Was I supposed to be next? All right. I I use this as an opportunity to articulate how important it is to have representation leading these conversations in cannabis policy reform and to acknowledge the work of black and brown women in this space, who have led efforts to advance cannabis policy reform, historically, and at present. I think that in terms of programs and services like community reinvestment models, depending on what the actual infrastructure is for the the decision making, there, of course, need to be members of communities who are most impacted who have an opportunity to participate in that process. I also recognize that it's not unique in this in the sense of what's going on in Illinois where there are political appointees who are charged with making decisions related to services and programs. I think part of what's necessary is for there always to be open, communication and engagement. And and folks need to make sure that they're accessible and their decisions are accessible. And this kind of gets to just government accountability. I think that there are mechanisms that can be put in place.

For example, notice and comment periods so that when decisions are being made by an appointed advisory body, members of the public have enough time to digest different policies and recommendations that are being made and have an opportunity to make comment on those different decisions. And then you have a system in place where the agency or those appointed officials, have to directly respond to commented, to comments presented by the community. At least that way, from a

when we're talking about voting the individuals who appointed those individuals can be held accountable, but if there's not the transparency and accountability about the decision-making, you wouldn't be able to have that level of engagement with communities. So, I would encourage jurisdictions to create models that allow for notice and comment periods. I recognize that that means that things may take more time. And I know that policymakers and regulators are often under pressure to get things done by a certain time, but I think that that's the balance that has to be made so that folks can participate on the front end.

Dan Riffle: You know I talked a little bit earlier about one of the many, many problems of marijuana remaining illegal federally and how it hamstring the states, but I want to just take a second to say, one of the sort of silver linings of marijuana remaining illegal federally at this point is that it's not, it's sort of forced us to go very, very slowly, which I like. You know the advocacy organizations that write ballot initiatives only have so much money, so you know they can only run so many of the time, and they have to go state by state picking a low hanging fruit. You know state legislatures have a lot to grapple with you know there's not a lot of copying and pasting that can be done so far. You tend to see bills that you know get introduced and then get modified, and modified, and modified over several legislative sessions, you know take six, eight, 10, sometimes more years before bills get passed. And the good thing about that is, you know, once we do this, once once you make something legal and once you create an industry, and once you hand out licenses, it's very hard to be like, "oh this isn't working right. Roll it back. Let's try something else instead." And you know we saw that with with alcohol, we saw that with tobacco. You know, it took decades and decades of advocacy in court cases and legislation before we were able to say you know, actually, we probably shouldn't have Joe Camel out there and actually probably shouldn't have you know tobacco being sold to kids on every street corner.

So you know I think you know it's a good thing that we're moving slowly in that the slower we move, the more time that we give for all people, including people in the communities that we're trying to direct some of these benefits to, to be heard. You know, obviously only a certain class of folks can make their way to the State Capitol and testify on a bill, or you know, very few people even, not nearly enough people even vote, let alone email or write their state legislators. But, the more time that we we think about this and the more time that we give it the more experiments that we run in different jurisdictions, the more evidence we have and can go off in terms of you know what's working and what isn't working. And I think it's it's a good thing that we're taking our time and you know, to the questioner's point, I think we have to use that time to continue to hear from folks about you know from what they need, rather than what we think they need.

Shaleen Title: That's an excellent point to close on. Thank you all so much for your input and your feedback and your wonderful expertise. And thank you so much for the audience for coming. Take care, everybody.

Douglas Berman: Thank you, Shaleen. Great job, everybody.