

How Can I Make My Voice Heard?

Effective Cannabis Policy Advocacy at the Local, State and Federal Levels

Before we begin, I want to take a minute to recognize all the healthcare professionals who have put their lives on the line in the fight against COVID-19. You are the true heroes of the crisis we find ourselves in, and we here at Vermont Cannabis Solutions cannot thank you enough.

Our question today is:

I want to become more involved with legislation in my state. What are some ways I can get involved to help influence policy?

As medical professionals, your voices can have an extraordinary impact on policy decisions regarding cannabis. Anti-cannabis organizations such as Smart Approaches to Marijuana (SAM) often recruit doctors and nurses who are opposed to cannabis reform to travel around the country testifying to lawmakers about all of the “dangers” of cannabis use, both recreationally and medicinally. Some even go as far as to say that cannabis has no medical value and should remain an illegal substance. Of course, we all know this to be untrue, but many of the lawmakers who are hearing this type of propaganda do not. By educating the decision makers, and working to dispel the lies, myths and disinformation being disseminated by the prohibitionists, you have a real opportunity to move cannabis policy forward. Your professionalism and experience make your voices powerful, so get out there and be heard.

Ok, great. You’ve convinced me to get out and let my voice be heard. What next? Well, effective policy advocacy can occur on several levels. While our original question mentioned state legislation, there is also local and federal policy to consider as well. While these are all related, each also has its own nuances and particularities.

Local Advocacy

While it is true that most cannabis policy is set at the state and federal levels, one should never discount the importance of local government and the impact it can have on cannabis businesses. Whether it takes the form of a city council, a select board, or some other form, local lawmakers have an enormous amount of influence on cannabis policy within their jurisdiction. Most of the states which have legalized cannabis have included statutory language allowing for local municipalities to “opt out” of the industry, effectively banning cannabis businesses from opening within their city or town. Some states have even gone as far as to suggest an “opt-in” provision, which would require a community to affirmatively vote to allow cannabis businesses before they could open. In Massachusetts, anyone applying for a dispensary or cultivation license must first reach what is known as a Community Host Agreement with the local

municipality they intend to conduct operations in as part of their state licensing application. These types of provisions make local advocacy an incredibly important consideration, and something that should not be ignored.

The first step in local advocacy is to educate yourself as to the type of local government you have. According to the National League of Cities, the most common form of local government is the “Council-Manager” framework, which characteristics include a city council that oversees the general administration, makes policy, and sets the budget. The second most common form of local government is the “Mayor-Council” framework, which has an elected mayor who shares authority and powers with a separately elected council. Effective local advocacy requires both an understanding of the structure of your local government, as well as an understanding of who is responsible for the policies you want to advocate for. For example, you certainly wouldn’t want to show up at a public works committee meeting to discuss cannabis zoning issues.

Once you understand the form of government you’re dealing with, the next step is to refine your message. What exactly is it you’re trying to accomplish? “I support medical marijuana” is ok for a bumper sticker, but it doesn’t make that great of a policy position. It is important to know what you are advocating for and why. At the local level, some of the more important issues surrounding cannabis policy are: “opt-in/opt-out” provisions, zoning requirements, home cultivation and taxation. Having a well-defined and specific policy goal allows you to identify who it is you need to get in front of. If you are advocating for a more general policy, such as whether your community will “opt-in” or “opt-out” of the cannabis industry, you are most likely going to need to be addressing the mayor and/or the city council. If you are advocating for a more specific position, like allowing a medical dispensary in an area zoned for commercial use, it may be more effective to start with your local planning and zoning committee and work your way up from there.

Finally, before you begin your advocacy work, it is a good idea to get a feeling for which way the wind is blowing regarding cannabis policy in your community. Some town governments are incredibly supportive of the industry, while others are ardently opposed. Knowing where your local officials currently stand can really help you craft the appropriate message and tone. If your town officials are completely opposed to the industry, you are going to have to take a very different approach than you would if you were playing to a friendly audience. If your local lawmakers are opposed to cannabis, try and learn why. What concerns do they have? What are the specific reasons that they are opposed? What are they afraid of? This can be accomplished by attending council meetings at which cannabis policy is being discussed prior to your advocacy efforts, and by reaching out to individual council members to discuss their thoughts on the matter. These days, most people have a fairly good idea of which side of the fence they are on regarding cannabis policy, and with a minimal amount of effort, you can get a good feel for which side your local leaders fall on. Once you know where your audience stands on the matter, you can then use that knowledge to craft a more appropriate position and become a more effective advocate.

State Advocacy

In 1996, California became the first state to abandon prohibition and legalize the medical use of cannabis. Today, thirty-three states and the District of Columbia have legalized cannabis for medicinal use, while eleven have legalized cannabis for all adults. This radical shift in policy did not occur at the federal level, but instead was the result of tireless efforts by grassroots organizations, supported by armies of volunteers, engaging with lawmakers at the state level. Facing long odds and strong opposition, it was these organizers and advocates that fundamentally reshaped the way our society views cannabis, one state at a time.

Many of the concepts that apply to local advocacy also apply at the state level. Having a clear and concise message, for example, is just as important at the state level as it is locally, but there are also some important distinctions that need to be considered. First and foremost, if you are serious about wanting to have a real impact on state policy, you should be prepared for a great deal of personal, one-on-one interaction with your state lawmakers. While each state government has its own unique characteristics, all of them are modeled after the federal government and consist of the same three branches: executive, judicial, and legislative. As you may have guessed, we will be focusing on the legislative branch, and the best place to start is with your local representatives.

Except for Nebraska, which only has a single legislative body, the remaining 49 state legislatures are bicameral, consisting of a lower and an upper body. Each legislative body is made up of elected lawmakers from all over the state, and while they technically represent everyone in the state, it is your local representatives, the ones you vote for, that will be the most receptive to hearing you out. Once you have determined who your state senators and representatives (or assemblypersons, or delegates, etc.) are, you are going to want to find where they stand. Take the time to do some research and learn about the issues that are near and dear to them beyond just cannabis. A strong understanding of where your representative falls on a wide range of topics allows you to craft a more individualized approach to your advocacy and makes it more likely that your message will be heard. Caring only about whether they support cannabis reform really limits your ability to connect with that lawmaker on a personal level.

Once you have determined who your legislators are and what they stand for, it is time to reach out and make contact. While this can be a challenging step for those of us with more introverted personalities, the reality is that state representatives love to hear from their constituents, they really do. This step becomes much easier if your representative already supports cannabis reform. If that is the case, not only have you found an ally, you now have the chance to get an insider's perspective on what's going on with cannabis policy in your state. Let them know what it is you are advocating for and why. They in turn can keep you in the loop as to any pending legislation or upcoming committee meetings involving cannabis reform, and can help you plan your next steps. When it comes to legislative advocacy, having an elected legislator as a political ally is a wonderful thing.

Ok, well that's all fine and good, but what if my representatives don't care about cannabis policy, or worse, what if they actively oppose it? Well, I'm not going to lie, sitting down with a

legislator who disagrees with the issue you're advocating for is not an easy task, but it's not impossible. If you find yourself in this rather unenviable position, remember, it's all about the approach you take. Trying to convince anyone that they're wrong and you're right is a recipe for disaster. Instead, try and find out why they have taken the positions that they have. What has led them to believe that cannabis reform is not in the best interest of the state? All too often, it ends up being myths, rumors and misinformation that dictate policy. If this is the case, there may be an opportunity to educate, assuming the person you are speaking with is open to it. If, on the other hand, your representative makes it clear that they just not interested in hearing about cannabis policy, there's not much you can do other than get out and vote in the next election. It really is amazing how slim the margin between victory and defeat can be when it comes to local elections. You might even want to consider a run yourself!

Federal Advocacy

As many of you probably know, our federal government has never been enthusiastic about cannabis reform. In fact, as far as the feds are concerned, marijuana remains an illegal Schedule I controlled substance, regardless of what the states choose to do. The fact remains that despite state legalization, anyone and everyone in the U.S. who possesses or sells cannabis containing more than .3% THC is breaking federal law and subject to prosecution. This is just one factor which makes cannabis advocacy at the federal level a challenging task. While it is certainly possible to get appointments with your local congressional representatives, you will most likely end up meeting with a staffer who will promise to "pass on your message to the Senator". Even in the unlikely event that you are able to arrange an actual face-to-face meeting, the reality is that, unless it involves enormous campaign contributions, cannabis policy reform does not interest many federal politicians. More to the point, unless you are making enormous campaign contributions, you do not interest many federal politicians. Sorry if I'm shattering any illusions here, but our federal legislative system has some serious problems.

This doesn't mean that you should just give up though, it just means that you need to play the game the way it's played, and that means lobbyists. As sad as it sounds, this is the way things get done these days in Washington D.C., and cannabis policy is no different. Ten years ago, cannabis industry lobbying was pretty much non-existent, and the few pioneers who were representing the industry often couldn't even get through the front door. The few congressional staffers who were actually willing to meet with industry representatives did so in hallways and other informal settings, making it easier to deny any relationship should the question come up. Thankfully, times have changed.

In 2019, the cannabis industry spent almost six million dollars on direct lobbying efforts in Washington. Fifteen organizations, employing sixty-six lobbyists, spent over 1.3 million dollars with the common goal of moving cannabis policy forward at the federal level. Among the largest contributors to this effort are the two main cannabis industry associations, the National Cannabis Industry Association (NCIA) and the Cannabis Trade Federation. These organizations represent the interests of hundreds of cannabis-related businesses and have become the voice of

the industry at the national level. The NCIA, in particular, works closely with its individual members, encouraging them to get involved in the political process by becoming what they call “citizen lobbyists”. In order to support its members in this mission, the NCIA hosted the first “Cannabis Lobby Day” in Washington D.C., in 2010. This event spanned a full day and gave members a chance to share their stories with members of Congress, as well as the opportunity to advocate for much needed federal reform. This year’s event, now expanded into two days and tentatively scheduled for September, will mark the 10th anniversary of “Cannabis Lobby Day”. The NCIA was expecting to see over 400 of its members descend upon Washington this year, with the dual missions of advocacy and education. Given the uncertainty that now exists due to the COVID crisis, we may see this year’s event postponed or cancelled, but the mission of the NCIA will continue. By becoming more involved with the NCIA, or any of the other industry associations, you become part of something larger than just yourself, and your voice becomes amplified. Becoming involved also means that you can choose the level of involvement that you’re comfortable with. Whether it’s simply reaching out to the organization with your thoughts, attending a “Lobby Day” event, or running for a board position, you decide the level of involvement you want to have and the amount of responsibility you want to take on.

My main point when it comes to advocacy at the federal level is that you shouldn’t try and go at it alone, mainly because you don’t need to. Established industry associations can provide support, training, and encouragement for those who want to be “citizen lobbyists”. Furthermore, the political relationships and connections that these organizations have developed over the past decade are invaluable resources and are critically important for effective advocacy. Now get out there and let your voice be heard!