Emerging Tobacco Products: How can Tobacco Position Itself with Marijuana?

**Marijuana and the Indoor Clean Air Act**

* According to the Oregon Medical Marijuana Act, medical marijuana cannot be smoked in any public place or in public view.
* If recreational marijuana were legalized, it would **not** **be prohibited** under the current version of the Indoor Clean Air Act (ICAA). The intent of the ICAA is to reduce exposure to **tobacco** smoke.

**Medical Marijuana**

* Oregon Medical Marijuana Program (OMMP) established in 1998
* HB 3460: Creates a registry of businesses that sell medical marijuana
  + Prohibits retail businesses from operating within 1000 feet for a school
  + Possibly lays administrative groundwork for recreational marijuana dispensaries

**Recreational Marijuana: WA and CO, OR soon….**

* Failed on Oregon ballot in 2012; Likely on November 2014 ballot
* Washington and Colorado approved measures to legalize the possession of up to an ounce of marijuana by adults over 21
* States to set up systems of licensed growers, processors and sellers
* Both states have seed to store tracking, child resistant packaging and background checks

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| Rules & Regulations | **Washington** | **Colorado** |
| Licensing | * $1000 licensing renewal fee, $250 application fee for retail license * Retailers cannot be within 1,000 ft. of school grounds, playgrounds, child care, public parks * Cap on retail outlets and total production * Cannot grow “homegrown marijuana” * Medical and recreational retail licenses are separate * Cannot smoke in marijuana retail stores | * Businesses must be involved in growing, processing, and selling to get a license * Application fee is $500 and licensing fees range from $2,750 to $14,000 * No caps * Allowed to possess up to 6 plants at home * Medical and Recreational dispensaries can be combined |
| Taxes | * 25% tax on each of the three parts of pot production: [producer to processor, processor to retailer and retailer to customer](http://lcb.wa.gov/marijuana/faqs_i-502) | * Recently approved 15% excise tax and 10% sales tax. |
| Prevention Funding | * Taxes estimated to generate 2 billion over 5 years with money dedicated to prevention, including tobacco. | * Tobacco left out of the prevention conversation. Taxes mainly earmarked for education and regulating pot. |
| Advertising | * Can’t advertise on any public property | * Unknown |