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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director   
Legislative Policy Division Staff

DATE: May 28, 2024

RE: **REPORT ON PREVENTING MARIJUANA IN SCHOOLS**

Council Member Angela Whitfield-Calloway requested that the Legislative Policy Division (LPD) provide a report on actions that can be taken to keep marijuana and marijuana edibles out of schools.

The Detroit City Charter commits the City to “the development and welfare of our youth, our most precious treasure.” With the legalization of recreational marijuana in the state of Michigan, there is a need for Detroit to take measures to prevent its youth from gaining access to and consuming marijuana, which could negatively impact their health, education, and general well-being. In particular, the City should do everything in its power to prevent marijuana and marijuana-infused edibles from entering school property.

As states have increasingly begun to legalize medical and/or recreational marijuana use, consumption of marijuana by people under the age of 21 has become a national concern. A 2020 National Survey of Drug Use and Health<sup>1</sup> provided that 49.6 million people (17.9%) age 12 and older reported using cannabis that year. According to the Centers for Disease Control and Prevention (“CDC”),

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<sup>1</sup> “Key Substance Use and Mental Health Indicators in the United States: Results from the 2020 National Survey on Drug Use and Health”, Substance Abuse and Mental Health Services Administration (2021).

marijuana use before the age of 18 may negatively and permanently impact brain development in terms of attention, memory, and learning.<sup>2</sup>

According to the Detroit Regional Chamber's 2023 State of Education Report, there are already significant challenges to educational achievement in Detroit, where 59% of high school graduates did not enroll in post-secondary education within 12 months of graduation and 70% of students have not earned a degree or certificate within 6 years of high school graduation.<sup>3</sup> These statistics have been relatively stable for years, including years prior to the legalization of marijuana. Because marijuana use may impact educational achievement for youth, the City should prioritize keeping marijuana out of schools. Educational achievement is strongly correlated with better financial outcomes, as the 2023 State of Education report also shows that 85% of jobs that pay a middle-class wage require a bachelor's degree or higher.

Nikolai Vitti, Superintendent of Detroit Public Schools Community District (DPSCD), along with other School Board members, wrote a letter to Governor Whitmer and state lawmakers regarding the growing use of marijuana edibles and vape pens in Detroit schools.<sup>4</sup> The letter proposes the following safety measures and interventions:

- **Mandatory Marijuana Labeling and Package Restrictions:** Laws should require all marijuana edibles (not just packaging) to be unmistakably labeled as such. Further, manufacturers should be prohibited from using packaging for marijuana edibles that imitates non-marijuana candy to eliminate any possibility of confusion.
- **Funding for Detection Systems:** Each school should be allocated funds to acquire detection systems for vape pens and marijuana, with the financing derived directly from the profits and taxes collected from marijuana sales.
- **Public Awareness Campaigns:** We urge for the initiation of public awareness campaigns, funded by marijuana legalization revenues, to educate on securing edibles away from children and the potential risks of their unsupervised access.

From the 2019-20 to the 2020-21 school years, the DPSCD had 289 drug-related incidents.<sup>5</sup> Between the 2021-22 and 2022-23 school years, there were 1,735 incidents. While it is unclear how many of these incidents were specifically related to marijuana, the number of drug related incidents appears to be rising since Michigan legalized marijuana in 2019.

Marijuana-infused edibles, particularly edibles that look similar to candy or baked goods, pose a particular problem for children. The Michigan Poison and Drug Information Center at Wayne State University found that cases of unintentional edible cannabis use by children ages 4 to 13 grew by 60% from 2020 to 2023. Parents and DPSCD officials are also concerned about students bringing edibles into schools because they are easy to conceal, and it is difficult to know if these items contain marijuana if they are not inside the labeled packaging required under state law. Edibles can be extremely potent when

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<sup>2</sup> <https://www.cdc.gov/marijuana/health-effects/brain-health.html#:~:text=Using%20marijuana%20before%20age%2018,attention%2C%20memory%2C%20and%20learning.&text=Marijuana's%20effects%20on%20attention%2C%20memory,to%20fully%20understand%20these%20effects.>

<sup>3</sup> [https://www.detroitchamber.com/wp-content/uploads/2023/12/2023-SOE\\_12.5.pdf](https://www.detroitchamber.com/wp-content/uploads/2023/12/2023-SOE_12.5.pdf)

<sup>4</sup> <https://www.bridgemi.com/sites/default/files/2024-05/Call%20for%20Policy%20Intervention%20for%20Marijuana%20Edibles%20and%20Safe%20Schools%20Letter.pdf>

<sup>5</sup> <https://www.chalkbeat.org/detroit/2024/05/13/legal-marijuana-creates-unintended-health-problems-for-kids-and-schools/>

compared to the dose of THC<sup>6</sup> received from smoking marijuana. Superintendent Vitti recently stated that “[a] week of school rarely passes where a student is not taken to the hospital due to intentional or unintentional consumption of edibles.”

The proliferation of marijuana vape pens appears to be a primary concern for DPSCD officials. Much like edibles, these vape pens are easy for students to conceal, and they contain concentrated THC oil that can be much stronger than smoking marijuana. Because these vape pens do not emit smoke or a strong odor, students can consume marijuana on school property while avoiding detection by using these vapes in discrete areas, often restrooms.

### **Policy Recommendations**

One of the requests from Superintendent Vitti’s letter to the Governor and state lawmakers was that the state should prohibit producers of marijuana edibles from using packaging that appeals to youth and from using packaging that imitates popular candy and food products. However, Michigan law already prohibits this type of packaging. The Michigan Regulation and Taxation of Marihuana Act states that:

(i) No marihuana processor may process and no marihuana retailer may sell edible marihuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marihuana.<sup>7</sup>

Additionally, the Rules promulgated by the Michigan Department of Licensing and Regulatory Affairs Marijuana Regulatory Agency provide that marijuana producers shall not:

(a) Produce an edible marihuana product in a shape or with a label that would appeal to minors aged 17 years or younger.

(b) Produce an edible marihuana product that is associated with or has cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

(c) Package edible marihuana products in a package that can be easily confused with a commercially available food product. The use of the word candy or candies on the packaging or labeling is prohibited.

(d) Produce edible marihuana products in the distinct shape of a human, animal, or fruit, or a shape that bears the likeness or contains characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings. Edible marihuana products that are geometric shapes and fruit flavored are permissible.<sup>8</sup>

Superintendent Vitti included a photo of marijuana edibles that resembled popular candy in the letter. While the letter states that the photo was provided by the Detroit Police Department, it is unclear whether these products were confiscated from an individual or dispensary, or if it is only meant to provide

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<sup>6</sup> THC is the principle psychoactive compound in marijuana.

<sup>7</sup> MCL 333.27961

<sup>8</sup> <https://www.michigan.gov/cra/-/media/Project/Websites/cra/Laws-Rules-Other-Resources/Marihuana-Rules---R-4201-to-R-4201004.pdf?rev=77ce1510042a4df6b14e2137e83bae7c&hash=71AB917A0C36FA6772ACBBDEA6F474DA>

a visual example. Either way, state law prohibits marijuana distributors from selling the types of products shown in the photo.

Because Michigan already prohibits these types of marijuana edibles, there may be a need for better enforcement rather than additional policies. To the extent that Detroit students are able to obtain marijuana edibles that resemble popular candy, there must be a thorough investigation to ascertain the source of these products. If these products were purchased from a licensed marijuana dispensary, it would be a violation that could result in disciplinary action including potential revocation of a marijuana license and criminal charges.

Another intervention requested by Superintendent Vitti and DPSCD board members is the implementation of vape detection devices funded by the sales and taxation of marijuana. In addition to marijuana vape pens, the proliferation of nicotine vaporizers has become a major concern for schools across the United States. According to the Annual National Youth Tobacco Survey, approximately 1 in 4 high school students use an e-cigarette product daily.<sup>9</sup> There have been recent reports of schools starting pilot programs to install vape detectors, primarily in school bathrooms and locker rooms, as a way to deter students from using vapes on school property.<sup>10</sup>

In Michigan, cities such as Bay City, Brighton, Charlotte, Coldwater, Grand Rapids, Eaton Rapids, and Midland have all begun to utilize vape detectors in schools. The earliest adoption of vape detectors in Michigan was in 2019, but many schools began using these detectors within the last year. Because these detectors have only been utilized for a short period of time, it is unclear how effective they are at preventing vaping in schools. However, it is likely that if schools make the students aware that there are vape detectors, it will deter many students from vaping in areas where faculty and staff can't monitor them.

The price for vape detectors ranges from around \$300 to \$1,000 per detector, not including installation and maintenance costs. Some schools have been able to partially fund the purchase of vape detectors with proceeds from various lawsuits brought by schools against Juul, an e-cigarette manufacturer. Because the need for vape detectors goes beyond marijuana use, DPSCD schools may also seek to receive funding from taxation on tobacco and nicotine products in addition to state funding, grants, and marijuana taxes.

The final request from Superintendent Vitti and DPSCD board members was for public awareness campaigns focused on the dangers of edible marijuana products and guidance on how to keep them away from children. Under current Michigan law, marijuana retailers may only sell edible marijuana-infused products that are contained in “an opaque, resealable, child-resistant package designed to be significantly difficult for children under 5 years of age to open...”<sup>11</sup> While this may limit children under the age of 5 from accessing edible marijuana products, there needs to be an increased effort to prevent older children from accessing edibles given the growing rate of accidental ingestion.

Parents and individuals who have children enter their homes need to be educated and periodically reminded about responsible storage of edibles. For example, edibles and edible containers should never be

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<sup>9</sup> <https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey>

<sup>10</sup> <https://www.ktvb.com/article/news/local/several-schools-idaho-receive-funding-vape-detectors/277-76290456-56e2-48f6-867a-da72a653d496>; <https://wcti12.com/news/local/pitt-county-approves-vape-detection-systems-for-schools>; <https://www.spokesman.com/stories/2024/jan/30/washington-legislature-considers-paying-for-vape-d/>

<sup>11</sup> MCL 333.27961

left open and should never be left in a place where children could access them. When not being used, edibles should be stored in a locked container. Additionally, edibles should be stored in their original packaging with the required labels and warnings to avoid accidental consumption.

In addition to regulation and enforcement to prevent youth from accessing marijuana, there needs to be a coordinated focus on the public health implications of marijuana use. The Detroit Health Department should work in coordination with DPSCD to determine the extent to which marijuana is being used in Detroit schools, the sources where youth are obtaining marijuana, the effect of marijuana use on students, and education and intervention strategies.

The National Institute on Drug Abuse (NIDA) has developed a research-based guide to specifically address drug use among adolescents.<sup>12</sup> While preventing drug use among small children is primarily a matter of preventing them from accessing drugs, teenagers become much more difficult to monitor as they start to gain independence. The NIDA guide states that:

The adolescent years are a key window for both substance use and the development of substance use disorders. Brain systems governing emotion and reward-seeking are fully developed by this time, but circuits governing judgment and self-inhibition are still maturing, causing teenagers to act on impulse, seek new sensations, and be easily swayed by their peers—all of which may draw them to take risks such as trying drugs of abuse. What is more, because critical neural circuits are still actively forming, teens’ brains are particularly susceptible to being modified by those substances in a lasting way—making the development of a substance use disorder much more likely.

In addition to the potential for addiction, drug abuse during adolescence “can interfere with meeting crucial social and developmental milestones and also compromise cognitive development.”

Because drug use among adolescents is affected by a number of factors including the availability of drugs within their community, family and community life, and other environmental and health factors, preventing adolescents from using marijuana requires a holistic approach that takes each individual’s circumstances into account. NIDA has identified principles for adolescent substance abuse treatment that emphasize early intervention, individualized treatment, consideration of factors aside from substance use, and participation from family and community in addition to medical intervention.<sup>13</sup>

The Partnership to End Addiction, one of the nation’s leading organizations dedicated to addiction prevention, emphasizes the need for schools to intervene in student marijuana use early and to focus on health rather than punishment as a first resort. The Substance Abuse and Mental Health Services Administration (SAMHSA) produced a report citing studies showing that “[a]uthoritative school environments characterized by fair disciplinary practices and mutual respect between teachers and students have shown lower levels of marijuana use among students.”<sup>14</sup> The report also relies on studies showing that schools have had more success in preventing marijuana use when they clearly articulate

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<sup>12</sup> <https://archives.nida.nih.gov/sites/default/files/podat-guide-adolescents-508.pdf>

<sup>13</sup> NIDA 12-14

<sup>14</sup> <https://store.samhsa.gov/sites/default/files/pep21-06-01-001.pdf>

rules to students, enforce them consistently, and use remedial approaches like counseling rather than punitive measures.

While some circumstances may warrant disciplinary action, schools should attempt to engage with students to understand their motivation for using marijuana. By engaging with students and their families, schools may be able to encourage health-focused intervention that doesn't have the potential to damage students' future opportunities. For example, the SAMHSA report also found that students are more likely to reduce their use of marijuana if they feel connected to their school and feel a sense of belonging. Schools may have some success intervening in marijuana use by encouraging students to participate in school clubs or activities that align with their interests.

States that have legalized recreational marijuana have used the revenue generated by marijuana taxes to fund programs related to substance abuse prevention and education. Education is an important tool in addressing marijuana use among youth. In particular, adolescents are less likely to consider negative consequences for their actions during that stage of brain development. Because the negative effects of marijuana use are less obvious and immediate than with other substances, many adolescents likely don't take them into consideration, which is why education on the subject is needed.

There is a common misconception that marijuana is a substance that is "safe" and non-addictive. While it is true that marijuana is less addictive and less harmful than many other controlled substances, it is important to educate adolescents that it is not harmless, particularly while their brains are still developing. Additionally, it is vital that there are programs to educate parents on how to recognize if their child is using marijuana and to provide them with intervention strategies and resources, which should also be integrated with schools.

Education programs related to marijuana use should take the specific needs and makeup of a community when creating educational content to increase effectiveness. Additionally, education directed toward youth should attempt to incorporate peers of the group that they are addressing because adolescents are more likely to be influenced by their peers.

Medical intervention is also crucial in many cases. Adolescents may be using marijuana or other substances as a form of self-medication for an untreated mental or physical illness. Additionally, they may be using marijuana as a way to cope with things like stress or a lack of emotional or communication skills, where behavioral therapy could help them to develop healthy coping strategies. Revenue from marijuana taxes must be directed toward programs that provide these services, which must be publicized to parents, schools, and students.

While education on marijuana use is certainly necessary, it is unlikely to be successful without supplemental resources. Schools, along with parents and the community at-large, must participate in and provide youth with opportunities to engage in novel experiences that are enriching and rewarding. The same impulsivity and reward-seeking behavior that makes adolescents susceptible to trying marijuana or other substances can be directed toward healthy activities that provide immediate and long-term benefits, for example sports, art, music, internships/mentorships in their field of interest, or learning and travel opportunities.

The Michigan Regulation and Taxation of Marihuana Act imposes an excise tax of 10% on retail marijuana sales in addition to a 6% sales tax. In 2023, Detroit received \$1,949,849.55 in marijuana tax revenue from the 10% excise tax.<sup>15</sup> This amounts to roughly \$59,000 per dispensary.

Section 20-6-47 of the Detroit City Code requires that 2% of the gross allocation received by the city must be provided to the Detroit Health Department for “substance use prevention programming for youth.” For the 2023 marijuana tax allocation, this only amounts to roughly \$39,000. Given that there are roughly 170,000 Detroiters under the age of 18 according to Census data, this amount is likely insufficient to reach all of the City’s youth. The City, in conjunction with its Health Department, should determine if this amount is sufficient and should strongly consider increasing the percentage of marijuana revenue directed toward substance abuse prevention for youth given the City’s Charter mandated duty to protect the development and welfare of its youth.

The City should leverage these funds to provide educational programming for students and parents regarding marijuana use and intervention, health-focused and evidence-based intervention programs for students, programs that create engaging activities to provide healthy alternatives to marijuana use, and to foster a community coalition that connects students, parents, and schools to a network of community organizations and services aimed at supporting Detroit’s youth.

Please contact our office if you need any further assistance.

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<sup>15</sup> <https://www.michigan.gov/treasury/-/media/Project/Websites/treasury/Uncategorized/2024/Adult-Use-Marijuana/FY-2023-Adult-Use-Marijuana-Payments-2-28-24.pdf>