

December 5, 2022

TO: Washoe County Planning Commission

FROM: Helen Neff – Incline Village Resident

RE: Public Comment on Agenda Item 9: Development Code Amendment Case Number WDCA22-0003 (Cannabis Consumption Lounges)

This public comment is in opposition to the amendment of the Washoe County Code to allow for cannabis consumption lounges in the unincorporated areas of Washoe County. There are very serious concerns regarding the proposed amendment, including:

1. THIS AMENDMENT DOES NOT ADDRESS IMPAIRED DRIVING AND PUTS PUBLIC SAFETY AT RISK

Cannabis Consumption Lounges will put more impaired drivers on our roads, affecting everyone's safety, including innocent drivers, passengers, cyclists, and pedestrians.

- Please see attached public comment from the November 7th All-CAB meeting regarding the lack of effective roadside testing for cannabis testing and the increased costs to law enforcement.
- In addition, a national study by Boston University's School of Public Health also found cannabis DUIs are contributing to increased deaths on roadways and cannabis plus alcohol DUIs are on the rise: *"Although the proportion of crash deaths involving alcohol has remained relatively constant over the last two decades, the proportion of crash deaths involving other substances, particularly cannabis, has increased."*
- This code change, which is being proposed to benefit tourists and some renters, does not justify the increased costs in law enforcement to ensure citizens are safe on the road. The Nevada Highway Patrol and the Washoe County Sheriff Department are understaffed and overworked yet doing the best they can. Please do not add to their workload.
- This code change does not justify the societal costs of a vehicle crash, including first responders, law enforcement, the district attorney, the justice system, the health care system, increased insurance premiums for everyone and the pain and suffering endured by innocent victims and their families.

2. THIS AMENDMENT IS CONTRARY TO PUBLIC HEALTH - FOR WHICH WE ALL PAY

On November 15, 2022, *USA Today* published the results of a medical study showing that Smoking marijuana may do more damage to lungs than cigarettes.

The study, published Tuesday in the peer-reviewed journal Radiology, found marijuana may be linked to an increased risk of emphysema over smoking tobacco alone.

Researchers found emphysema was more common in marijuana smokers than those who didn't smoke at all, and more common in marijuana smokers who were 50 and older than those who only smoked tobacco. They also found a certain subtype of emphysema that affects the outermost parts of the lung, called paraseptal emphysema, was more common in marijuana smokers compared to tobacco-only smokers, regardless of age.

Emphysema is irreversible once it develops.

The study also showed more instances of airway inflammation among marijuana smokers compared to people who smoked cigarettes only or not at all.

3. WASHOE COUNTY CONTINUES TO SEND CONFLICTING MESSAGES

On November 17, 2022, the Washoe County Health District released an announcement encouraging residents to go Smoke-Free for the Great American Smoke-out:

*“Quit smoking or vaping by using **free help** in Washoe County.”*

- Washoe County is using public funds to provide “free” help to tobacco smokers who will suffer from the health consequences of smoking tobacco.
- Soon, Washoe County will need to use more funds to provide “free” help to cannabis users who will suffer lung damage from the health consequences of cannabis consumption lounges.
- The County is also sending a message to our youth that once you reach age 21, we totally encourage you to consume cannabis in your local consumption lounge.
- None of these public benefits are “free.” Somebody is paying.

4. THIS CODE AMENDMENT ONLY SERVES A LIMITED SEGMENT OF THE POPULATION

The Staff Report on Cannabis Consumption Lounges prepared for the December 6, 2022 Planning Commission Meeting states: “Prior to the 2021 legislative session, public consumption of cannabis was prohibited. Consumption was only allowed in private homes or on private property. This presented **a dilemma for out-of-state visitors or for members of the public who are prohibited from consuming cannabis in their private residence (e.g., restrictive rental/lease agreements).**”

- There is no basis to approve a development code change that benefits only a very limited segment of the population yet has so many adverse repercussions for the rest of the community. This would be against The Washoe County Planning Commission’s very own RULES, POLICIES AND PROCEDURES.

5. THIS CODE AMENDMENT IS IN CONFLICT WITH THE LAKE TAHOE DESTINATION STEWARDSHIP PLAN

Washoe County is a sponsor of The Lake Tahoe Destination Stewardship Plan. The plan states:

Tahoe needs to shift its brand away from a party place to a family-oriented outdoor destination.

Allowing cannabis consumption lounges in Incline Village and Crystal Bay is contrary to this Washoe County initiative. Consumption Lounges are not Destination Stewardship.

- Washoe County needs to coordinate efforts between agencies and departments rather than work against each other with contrary proposals that send mixed messages.

6. THERE HAS NOT BEEN SUFFICIENT TIME FOR PUBLIC OUTREACH AND COMMENT

The staff report admits that “due to the expedited adoption timeline directed by the Board, **it was not possible for staff to conduct extensive public and agency outreach regarding the proposed amendments.**”

- The voices of the community should be heard. There is no reason for an “expedited timeline.”
- There are legitimate concerns about the speed of this ordinance adoption and the lack of opportunity for public input, particularly on the issue of impaired driving. Why is this moving so fast and not allowing adequate time for public input?

7. THIS AMENDMENT IS NOT REQUIRED BY AB341

AB341 does **not** require that local governments allow consumption lounges.

- Please do not force this on our local communities.

The Washoe County Planning Commission RULES, POLICIES AND PROCEDURES state that: The planning process exists to serve the public interest. This code amendment does **NOT** best serve the public interest.

Please recommend **denial** of this amendment.

Thank you.

Community Meeting on Cannabis Consumption Lounges in Unincorporated Washoe County November 7, 2022

Public comment

Helen Neff – Incline Village resident

There are many misconceptions about cannabis use, including statements that cannabis does not impair a person's ability to operate a motor vehicle.

Numerous scientific studies indicate that cannabis impairs a person's ability to operate a motor vehicle.

Research shows that cannabis impairs motor skills and cognitive functions (Robbe et al., 1993; Moskowitz, 1995; Hartman & Huestis, 2013). A 2015 study on driving after smoking cannabis stated that THC in cannabis hurts a driver's ability to multitask, a critical skill needed behind the wheel.

Many studies have proven that drivers under the influence of cannabis are unable to properly monitor the speedometer, require increased decision time when passing, increased time to brake when a light changes, increased time to respond to sudden sounds and they crash more frequently into obstacles.

In short, cannabis causes impairment in every performance area that can be connected with safe driving of a vehicle.

Combining cannabis with alcohol results in impairment even at doses that would be insignificant were they of either drug alone. Using cannabis along with other substances increases the risk of being involved in a major or fatal traffic crash.

The problem is so critical that the National Highway Traffic Safety Administration continues to allocate valuable resources to conduct research and have concluded that cannabis users are more likely to be involved in crashes.

One NHTSA study of seriously or fatally injured road users at five participating trauma centers in 2020 found that almost two-thirds of drivers tested positive for at least one active drug,

including cannabis. The proportion of drivers testing positive for cannabis prevalence increased 50% over the prior year.

This prompted the NHTSA to launch a new initiative to address drug-impaired driving.

NHTSA's National Drug-Impaired Driving Initiative brings together experts, including law enforcement officials, prosecutors, substance abuse experts and others, to discuss strategies that can reduce drug-impaired driving.

Yes, taxes funding more studies because of code changes that encourage irresponsible behavior.

And, then more public funds are spent to implement programs locally such as Vision Zero, a program that has not achieved its goals to reduce traffic fatalities in Nevada due to continued increases in crashes caused by impaired and distracted drivers.

The Washoe County Sheriff Department and the Nevada Highway Patrol told me that, unlike alcohol, there is no approved method to administer a roadside test to a driver who is suspected of being impaired as a result of cannabis consumption.

The issue surrounding cannabis impairment testing is further complicated by the fact that performance deficits are evident long after peak THC levels occur. Thus, testing for THC levels alone is not sufficient.

Because of this, people are driving when impaired, causing crashes and not being held responsible for their actions.

I am a personal victim of this injustice. The driver that crashed into me, when I was legally crossing the street in a crosswalk, showed numerous signs of impairment including disorientation, diminished coordination, distorted senses, delayed reaction time, and confusion. All confirmed on body cam video. She had prior DUI's and was not tested. I later learned that she was a cannabis user. Since she was not tested, impairment could not be verified and used in court.

The costs of that crash to me, my family, and society were immense and that is just one incident. It happens over and over in Washoe County.

Yet, three members of the Washoe County Board of Commissioners have voted to direct staff to draft amendments to County Code to allow for cannabis consumption lounges. This will put more impaired drivers on our roads with no mechanism for law enforcement to administer a roadside test. It puts the safety of all citizens at risk.

Our roads are not safe now. Please do not approve a code change that will endanger you, your family, and your loved ones by putting more impaired drivers on our roads.

No resource is "revenue rich" enough to pay the costs of a crash. But, most important, no resource is "revenue rich" enough to cover the suffering to a victim and their family – who will be paying for the rest of their lives.

Thank you.

From: [Diane Heirshberg](#)
To: [Giesinger, Chad](#); [Lazzareschi, Daniel \(External Contact\)](#); katelsonpe@gmail.com; f.donshick@att.net; [Flick, Michael](#); chviliceks@unce.unr.edu; [Pierce, Rob](#); [Phillips, Patricia \(External Contact\)](#)
Cc: [Lloyd, Trevor](#)
Subject: Public Comment in Opposition to Agenda Item 9A: Development Code Amendment Case Number WDCA22-0003 (Cannabis Consumption Lounges)
Date: Monday, December 5, 2022 3:03:46 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Chad, Please provide this opposition to all of the Washoe County Planning Commission Members at the meeting this week.

December 5, 2022

TO: Washoe County Planning Commission Members and Chad Giesenger, Planning Manager

FROM: Diane Becker – Incline Village Resident

RE: Public Comment in Opposition to Agenda Item 9A: Development Code Amendment Case Number WDCA22-0003 (Cannabis Consumption Lounges)

This public comment is in opposition to the amendment of the Washoe County Code to allow for cannabis consumption lounges in the unincorporated areas of Washoe County. There are serious health concerns regarding the proposed amendment, including:

1. THIS AMENDMENT DOES NOT ADDRESS IMPAIRED DRIVING AND PUTS PUBLIC SAFETY AT RISK, ESPECIALLY IN A SMALL MOUNTAIN COMMUNITY LIKE INCLINE VILLAGE/CRYSTAL BAY WHICH HAS DANGEROUS DRIVING CONDITIONS DUE TO SNOW AND ICE IN THE WINTER.

Cannabis Consumption Lounges will put more impaired drivers on our mountain roads, including in the winter snow conditions, affecting everyone's safety, including innocent drivers, passengers, cyclists, and pedestrians. No provision is made to protect Incline Village and Crystal Bay residents from impaired drivers. Our roads are very different from roads in Las Vegas and even Reno Nevada.

With a lack of effective roadside testing for cannabis testing how will the County protect the public safety and how will the County enforce laws regarding intoxication due to cannabis and stop cannabis intoxicated drivers?

There has been no interest in gathering input from the effected citizens who live and work in Incline Village Crystal Bay. This "RUSH TO NEW LEGISTLATION" seems to have been pushed by two Commissioners whose terms end December 31, 202, and it would benefit the public for the Planning Commission to get input from the new Commission members in January 2023.

Please see the national study by Boston University's School of Public Health which found that cannabis DUIs are contributing to increased deaths on roadways and cannabis plus alcohol DUIs are on the rise: "Although the proportion of crash deaths involving alcohol has remained relatively constant over the last two decades, the proportion of crash deaths involving other substances, particularly cannabis, has increased."

This code change, which is being proposed to benefit tourists and some renters, does not justify the increased costs in law enforcement and other costs to ensure citizens are safe on the road. This code change does not justify the societal costs of a vehicle crash, including first responders, law enforcement, the district attorney, the justice system, the health care system, increased insurance premiums for everyone and the pain and suffering endured by innocent victims and their families. This code change should have had extensive examination of mitigation to protect the public health and safety, but that has not occurred.

2. THIS AMENDMENT IS CONTRARY TO PUBLIC HEALTH. On November 15, 2022, **USA Today published the results of a medical study showing that Smoking marijuana may do more damage to lungs than cigarettes.** The study, published in the peer-reviewed journal Radiology, found marijuana may be linked to an increased risk of emphysema over smoking tobacco alone. Researchers found emphysema was more common in marijuana smokers than those who didn't smoke at all, and more common in marijuana smokers who were 50 and older than those who only smoked tobacco. They also found a certain subtype of emphysema that affects the outermost parts of the lung, called Para septal emphysema, was more common in marijuana smokers compared to tobacco-only smokers, regardless of age.

These new rules are allowing outside smoking venues that do not contain the smoke from adjacent properties or areas. How to contain the smoke should have been looked at in detail and addressed in the legislation, in addition to the impairment issue. For example, I have had asthma since childhood and am at risk for emphysema. Emphysema is irreversible once it develops. The medical study also showed more instances of airway inflammation among marijuana smokers compared to people who smoked cigarettes only or not at all. All of the no smoking rules that we have worked on for so many years are being thrown out the window to let some transient people get intoxicated on cannabis, with no concern for all of the other public health and safety considerations.

I am not opposed to cannabis, but I oppose lounges that allow public cannabis consumption and intoxication with all of the UNADDRESSED and UNCONSIDERED risks to the public health and safety. All of the public interests need to be considered and carefully reviewed and that did not occur here.

2. THIS CODE AMENDMENT ONLY SERVES A LIMITED SEGMENT OF THE POPULATION WHICH IS NOT A PERMANENT POPULATION, BUT IS A TRANSIENT POPULATION

The Staff Report on Cannabis Consumption Lounges prepared for the December 6, 2022 Planning Commission Meeting states: "Prior to the 2021 legislative session, public consumption of cannabis was prohibited. Consumption was only allowed in private homes or on private property. This presented a dilemma for out-of-state visitors or for members of the public who are prohibited from consuming cannabis in their private residence (e.g., restrictive rental/lease agreements)."

There is no basis to approve a development code change that benefits only a very limited segment of the population yet has so many potential adverse repercussions for the rest of the local community.

3. THERE HAS NOT BEEN SUFFICIENT TIME FOR PUBLIC OUTREACH AND COMMENT

The staff report admits that “due to the expedited adoption timeline directed by the Board, it was not possible for staff to conduct extensive public and agency outreach regarding the proposed amendments.”

It is respectfully submitted that in light of the huge potential public health and safety impact of the proposed new law, **the voices of the community should be heard. There is no reason for an expedited** timeline and no emergency has been demonstrated or cited by staff, other than that two proponents on the Legislation are being replaced on the Board of Commissioners starting January 1, 2023. Let the public comment be obtained and the new Commissioners vote on this topic.”

There are legitimate concerns about the speed of this ordinance adoption and the lack of opportunity for public input, particularly on the issue of impaired driving testing and control. Why has there been no study or investigation on the potential impacts in Incline Village/Crystal Bay, with its special driving conditions especially in the winter?

4. THIS AMENDMENT IS NOT REQUIRED BY AB341

AB341 does not require that local governments allow consumption lounges. Please do not force this legislation on our local communities without a full opportunity to investigate the health and safety ramifications and potential limitations that could be put in to protect the health and safety of the local community.

Please recommend denial of this amendment.

Thank you.

Diane Becker

Full -time Resident, Incline Village

Items for December 8th Washoe Planning Commission Meeting:

- Praise for the (2) family intervention groups by:
Commissioners Jung and Lucie
 - Waxing on about the great services they render to the people with addictions in our community
 - They went further to say how these groups were planning to build new larger facilities (campuses)
 - This was done without any acknowledgment of the impact (linkage) between the need for their services and last item I will speak about.
- Testimony by a Washoe County Sheriff requested Commissioner Lucie's to make the public feel that they would be protected from impaired drivers if Marijuana lounges were to open in Washoe County:
 - The officer stated that if a person appeared to be impaired that they could be tested on the spot, as with DWI tests:
 - What the Sheriff Deputy didn't say and told me after the meeting was, that unlike the DWI test the Marijuana impairment test had to be sent to a lab for analysis with a 10 turnaround
- How is it that the County is so motivated to promote the licensing of Marijuana Consumption Lounges in Washoe County when:
 - The current retail outlet in Washoe Valley has for 4yrs discharged noxious air and have not been made to mitigate this issue even after multiple complaints by multiple individuals to the Air Quality Board.

- The Air Quality Board told us recently that these complaints will be handled in the future by the state Marijuana Control Board who:
 - On their web site provide a complaint form and note that complainant's will receive neither an acknowledgement of receipt of their complaint or notice of any action taken
- Now I understand that the owners of the SOL Marijuana Dispensary have been issued a provisional license (the only one in Washoe County) to have a Marijuana Consumption Lounge even before you the Washoe County Planning Commission have developed and approved the regulations under which these facilities will operate
- I remind you of where I started with these remarks:
 - Does providing another form of public venue for consumption of intoxicants help alleviate the problems the (2) family intervention groups deal with? and
 - How will the sober citizens be protected from Marijuana Impaired drivers leaving the Lounges?