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City of Detroit CITY COUNCIL

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TO: HONORABLE CITY COUNCIL MEMBERS

FROM: David Whitaker, Director

Legislative Policy Division Staff

DATE: September 20, 2024

RE: Report on Marijuana Excise Tax Revenues

The Legislative Policy Division (LPD) submits this report in response to a request from Council Member Angela Whitfield Calloway dated June 24, 2024, to provide an in-depth report on the city's 10% share of the marijuana excise tax revenue addressing several questions regarding this matter. Of primary concern to the Council Member is preventing marijuana use in schools. The information needed for this report was obtained with the assistance of the Office of the Chief Financial Officer (OCFO), the Office of Civil Rights, Inclusion and Opportunity (CRIO) and the Detroit Health Department (DHD).

Detroit Health Department- Youth Substance Prevention

Q1: What programs are currently being conducted by the Detroit Health Department for youth substance prevention programming? How many kids have been reached?

The Health Department, in response to questions raised by LPD during the FY 2025 budget discussion indicated the following (memo dated March 28, 2024):

Youth Substance Prevention Programming is implemented by the Health Department's Behavioral Health Program. The evidence-based curriculum- Too Good for Drugs program is a substance misuse ¹ prevention program that will include engaging sessions, to educate students about the risk of substance misuse and empowering youth to make informed/positive decisions. In addition, parent education sessions will be

¹ According to the American Public Health Association "Substance misuse is a serious public health challenge. It includes the use of illegal drugs and the inappropriate use of legal substances, such as alcohol and tobacco. Whether through overindulgence in alcohol, misuse of prescription medication, or use of illegal drugs, such misuse is harmful to our health." https://www.apha.org/topics-and-issues/substance-misuse

offered to involve parents in identifying, understanding, and addressing substance misuse in their families. (Footnote added)

Q2: How is the 2% of marijuana tax revenue that is allocated to the DHD for youth substance prevention programming being spent?

The Health Department, in response to questions raised by LPD during the FY 2025 budget discussion indicated the following (memo dated March 28, 2024):

Youth Substance Prevention Programming from the 2% Marihuana state tax for \$40,000² (Appropriation 27250 Health Services; Cost Center 250070 Community Health Services) Funding will be used for an evidence-based curriculum "Too Good for Drugs," a 6-week school-based prevention program designed to reduce risk factors associated with substance misuse. This includes interactive lessons, activities, and games aimed at teaching essential social and emotional skills and are facilitated in DPSCD schools. Program components also include peer support and parent education sessions, as well as identifying and engaging a subset of students to become Youth Ambassadors that will serve as peer mentors. (Emphasis and footnote added)

LPD update on the current status of this program:

The Health Department is in current negotiations with the Detroit Public School district to initially roll-out the program in four schools with a goal of servicing 500 to 1,000 youths. This is a classroom-based curriculum that will focus not only on Marijuana use but also alcohol, tobacco, drugs, vaping, etc. A start date of October-November 2024 is anticipated for this program. The Health Dept team is currently working on the contractual requirements (contract/Memorandum of Understanding) with the school district as well as staffing and training requirements. The curriculum is a six-week pilot program in a classroom setting with the objective of developing youth ambassadors that will provide peer counseling and maximize the use of social media to reach other youths in need of help.

Marijuana Tax Revenues- Other Uses

Q3. What is the remaining 98% of the marijuana tax revenue being used for?

The OCFO-Office of Budget indicated:

The remaining 98% consists of \$1 million per year going toward CRIO Homegrown Detroit / social equity initiatives and programming³, and the rest goes to the General Fund for citywide programs (1000-29352-350365 (revised)-422220). PPT Tate also added another \$1 million of one-time budget for social equity entrepreneurs / marijuana ventures grants in FY25, to be implemented or designed with CRIO this fiscal year. (Footnote added)

² Ordinance No. 2022-11, Chapter 20, Article VI entitled "Medical Marijuana Facilities and Adult-Use Marijuana Establishments", Sec. 20-6-47 entitled "Social equity initiatives and substance use prevention appropriations", sub-section (b) requires that 2% of the marijuana excise tax received by the City in the previous fiscal year be allocated to the Detroit Health Department for substance use prevention programming for youth annually in the City's budget in an appropriation in the Health Department. The City is expecting to receive approximately \$2 million in marijuana excise tax revenue in FY 2024, therefore, \$40,000 (\$2 million multiplied by 2%) is budgeted in the Health Department's FY 2025 budget in appropriation 27250 Health Services for this purpose.

³ Ibid, sub-section (2) indicates that subject to the annual budget process, it is the City's expectation that the City's annual budget will contain a \$1,000,000 appropriation to the Human Rights Department (a/k/a CRIO) to support the ongoing social equity initiatives and activities performed by the City in accordance with the legislative purposes of this article (ordinance). The \$1 million plus is budgeted in appropriation 27292 Homegrown Detroit for FY 2025.

As noted in the Nondepartmental responses to questions raised on the FY 2025 Budget:

This revenue is received in this location (Nondept cost center 350365) and is budgeted to its respective departments' budgets. The budgeted amounts of this revenue can be found on pages B29-9, under Homegrown Detroit, and B25-10 under Community Health Services. The remainder will be directed to the general fund pool to support the City's budget across all operating departments. The increase in revenues throughout the forecast is impacted by the number of active licenses in the City and the amount of excise sales tax the state receives by the end of September 2024 (close of Michigan's fiscal year). (Emphasis added)

LPD's note: To add clarity on the distribution of marijuana tax in the City's FY 2025 budget, see Table 1 below:

Table 1

FY 2025 City of Detroit Marijuana Excise Tax Distribution in City's budget	
Non-Dept. 29352-Major Taxes and Other Revenues	
Non-Dept. Cost center 350365 State Shared Marijuana Excise Tax	\$3,773,292
How State Shared Marijuana Excise Tax is appropriated in FY 2025:	
CRIO Apprn 27292 Homegrown Detroit	\$1,164,657
Health Apprn 27250 cost center 250070 Community Health	
services for Youth Substance Prevention	40,000
Non-Dept. Cost center 350365 State Shared Marijuana Excise Tax	
City-wide Programs in General Fund	2,568,635
FY 2025 City of Detroit Marijuana Excise Tax	
Revenue	\$3,773,292
	_

Budget Assumptions used to calculate this revenue:

The City's share of the State's 10% marijuana excise tax is dependent upon the number of licenses held within the City, how much excise tax is collected by the State in the State's most recent fiscal year, and the number of active licenses in the State. Of the total amount collected in excise tax, the State splits 15% of it between municipalities (the remainder goes to counties, the MI Transportation Fund and the MI School Aid Fund; see Attachment 1 for a chart that further describes this flow of funds). Detroit receives its share of the tax based on our proportion of licenses. For instance, in FY 2023 the State collected \$290.3m in excise tax⁴. The State reported 737 licenses statewide, and there

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⁴ MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (EXCERPT) Initiated Law 1 of 2018: 333.27963 Imposition of excise tax; administration by department of treasury; exemptions.

Sec. 13. (1) Except as otherwise provided in subsection (4), in addition to all other taxes, an excise tax is imposed on each marihuana establishment and on each person who sells marihuana at the rate of 10% of the sales price for marihuana sold or otherwise transferred to a person other than a marihuana establishment or tribal marihuana business. (2) Except as otherwise provided by a rule promulgated by the department of treasury, a product subject to the tax imposed under this section may not be bundled in a single transaction with a product or service that is not subject to the tax imposed by this section. (3) The department of treasury shall administer the taxes imposed under this act pursuant to 1941 PA 122, MCL 205.1 to 205.31. The department of treasury may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328, that prescribe a method and manner for payment and collection of the taxes imposed under this act. (4) The tax imposed under subsection (1) does not apply to any of the following: (a) Marihuana sold or otherwise transferred from a tribal marihuana business. (b) Marihuana sold or otherwise transferred under the Michigan

were 33 licenses in the City. Fifteen percent of the collected excise tax was \$43.5m, of which Detroit was entitled to 4%. That meant that \$1.9m was received from this revenue source in the City's FY 2024 as a result of the State's FY 2023. (Emphasis added)

Q4. How much funding do other municipalities allocate toward youth substance abuse programming? Please provide examples of the nature of this programming.

The Health Department responded:

Detroit is relatively unique among municipalities in providing recurring funding for youth substance use disorder (SUD) prevention. In Michigan, most SUD prevention is conducted through the regional Prepaid Inpatient Health Plans (which administer Medicaid's behavioral health benefits in either one county or multiple counties) and through health departments, which also are operated on a county or multi-county level outside of Detroit.

Per DHD's research, other health departments are focusing on youth SUD prevention through education and outreach. This can include marketing campaigns (e.g., ad campaigns through gas stations and targeted billboards), hiring outreach staff, and providing lock boxes for marijuana.

Below is a sample of organizations in the Southeast Michigan that provides services focused on youth substance abuse prevention:

- Detroit Wayne Integrated Health Network (DWIHN) provides a comprehensive and integrated array of services/supports which inspires hope and promotes recovery/self-determination. Children, youth and families with co-occurring mental health, substance abuse and physical health conditions receive services within a system of care.⁵
- Student Prevention leadership Teams funded by Community Mental Health Partnership of Southeast Michigan.⁶
- Monroe County Student Prevention Leadership Teams (SPLT)⁷

Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430. (c) Marihuana sold or otherwise transferred under the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801. History: 2018, Initiated Law 1, Eff. Dec. 6, 2018;— Am. 2023, Act 166, Imd. Eff. Oct. 19, 2023 Compiler's Notes: This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against. For the transfer of powers and duties of the department of licensing and regulatory affairs, including its bureau of marijuana regulation, to the marijuana regulatory agency, and abolishment of the bureau of marijuana regulation, see E.R.O. No. 2019-2, compiled at MCL 333.27001. For the renaming of the marijuana regulatory agency to the cannabis regulatory agency, see E.R.O. No. 2022-1, compiled at MCL 333.27002.

⁵ <u>https://www.dwihn.org/</u>. DWIHN provides a comprehensive and integrated array of services/supports which inspires hope and promotes recovery/self-determination.

⁶ https://www.cmhpsm.org/ The Community Mental Health Partnership of Southeast Michigan (CMHPSM) is the Pre-paid Inpatient Health Plan (PIHP) for Region Six, supporting Lenawee, Livingston, Monroe and Washtenaw counties. In partnership with our regional Community Mental Health Service Providers (CMHSPs) and the CMHPSM regional provider network, the CMHPSM provides mental health services to adults with severe and persistent mental illness, children with severe emotional disturbance, individuals with intellectual/developmental disabilities, and individuals with substance use service needs

⁷ Youth leadership teams coordinating substance abuse prevention initiatives in each high school, middle school, and their local communities within Monroe County.

- Oakland County Health Division offers various, evidence-based, prevention programs, funded by the <u>Oakland Community Health Network</u>, aimed at reducing risky behaviors that lead to substance use.⁸
- Sterling Heights Drug-Free Coalition's (SHDFC) mission is to educate, collaborate, and advocate to create an environment that is safe from substance abuse and works to prevent and reduce youth substance use and its negative consequences.⁹

Federal resources available for youth substance use prevention include:

- Youth.gov: Elements of Effective Prevention Programs There is a multitude of effective substance abuse prevention interventions that may have different areas of focus and can be implemented in a variety of settings. Interventions can involve the family, school, and community and may provide substance abuse prevention for an individual or a population of youth by focusing on environmental and community factors and policies, developmental factors, or skill development. The National Institute on Drug Abuse (NIDA) has identified 16 key principles for prevention programs based on risk and protective factors, the type of program, and the delivery of the program. ¹⁰
- Center for Disease Control (CDC)- Adolescence and School Health: the CDC indicated that youth with substance use disorders also experience higher rates of physical and mental illnesses, diminished overall health and well-being, and potential progression to addiction. 11

Marijuana Tax Revenues- Future Growth Estimates

Q5. What is the anticipated growth rate in revenues from the city's share of marijuana excise tax revenue for the next five years?

From the OCFO- Office of Budget:

The increase in revenues throughout the forecast is impacted by the number of active licenses in the City, the number of active licenses in the State, and the amount of excise sales tax the state receives by the end of September (close of Michigan's fiscal year). As such, the attached forecast (LPD note: see Table 2 below) shows high growth over the next two years as the City reaches its maximum number of licenses. The growth rate will level out at 2-3% as the maximum number of licenses are reached. [LPD note: The estimates shown in Table 2 below assume a 3% growth rate but is tempered by the state's issuance of new licenses (no restrictions on issuance of new licenses; unlike Detroit's limitation of 100)]. As new licenses are issued, Detroit's share of the allocated total is further reduced. Payment from the state is received after the close of their fiscal year. The fiscal year 2023 payment was received in February 2024. The current estimate for FY 2025 is \$3.65 million, reduced from the city's February Revenue Estimating Conference amount of \$3.8 million due to the issuance of new licenses state-wide (see Attachment 2 for the Office of Budget's latest estimate, which assumes a 4% growth rate in state-wide marijuana excise tax revenue for FY 2026 through FY 2029).

⁸ Oakland Community Health Network (OCHN) leads a provider service network that assists approximately 29,000 Oakland County citizens at more than 400 service sites across the county. OCHN also manages a \$450 million budget funded in part by the Michigan Department of Health Human Services, General Fund, grants, and Oakland County.

⁹ https://www.preventionnetwork.org/map county/macomb-county/ Prevention Network oversees several programs/networks designed to assist healthy communities in the prevention of substance misuse.

¹⁰ This federal website provides interactive tools and other resources to help youth-serving organizations and community partnerships plan, implement, and participate in effective programs for youth. For more information about the IWGYP or this website, please call 1-877-231-7843 or email youthgov@air.org.

¹¹ https://www.cdc.gov/healthyyouth/substance-use/index.htm

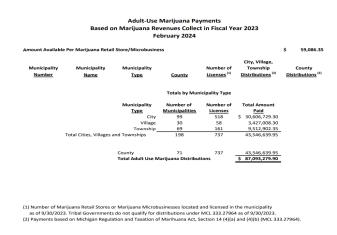
Table 2

MI Fiscal Year	Total Detroit Licenses	Total State Licenses	Projected Detroit Revenues (received subsequent Fiscal year)	Projected State Revenues
2023	33	737	\$1.9 million	\$87.1 million
2024	52	817 (as of Aug 1, 2024)	\$3.7 million	Estimate pending
2025	66	Estimate pending	\$5.2 million	\$96.4 million (budget)
2026	100 (maximum)	Unlimited	\$5.3 million (3% growth)	(3% growth)
2027	100 (maximum)	Unlimited	\$5.4 million (3% growth)	(3% growth)
2028	100 (maximum)	Unlimited	\$5.5 million (3% growth)	(3% growth)

Prepared by LPD- Fiscal

Data from the MI Department of Treasury for fiscal years 2021-2023

Totals by Municipality Type- FY 2023 (per MI Dept of Treasury)



Totals by Municipality Type- FY 2022 (per MI Dept of Treasury) Totals by Municipality Type- FY 2021 (per MI Dept of Treasury)

		Totals by Mun	nicipality Type	
	Municipality Type	Number of Municipalities	Number of Licenses	Total Amount Paid
	City	81	391	5 20,269,913.11
	Village.	26	48	2,488,378.08
	Township	53	135	6,998,563.35
	Total Cities, Villa	iges and Townships		29,756,854.54
	County	64	574	29.756.854.54
		Marijuana Distribe		5 59,513,709.08
Number of Marineses Betail 5	tores or Marijuana Microl	tusinesses located	and licensed in	the municipality



Michigan's fiscal year 2025 Budget, recently adopted, estimates \$96.4 million to be distributed to municipalities and counties from recreational marijuana.

Q6. When can we expect DHD's 2% share of the marijuana tax revenue to increase to meet the city's stated goal of 10%?

In responding to the question presented, the OCFO indicated:

Modifying the 2% called out in the adult-use marijuana ordinance would require an ordinance amendment. However, that doesn't prevent the Mayor and the City Council from allocating additional funds, if available, to the DHD programs during the annual budget cycle if they wish. I believe the 10% goal was proposed by Council Member Benson during the FY25 budget hearings. ¹² (Footnote added)

Q7. At 10%, would DHD's share of marijuana tax revenue be sufficient to effectively reach the approximately 170,000 youth under the age of 18 in the city?

Referencing Table 2 above, Detroit's share of Marijuana state revenues with the maximum number of eligible facilities (100) open and operating in Detroit should net approximately \$5.3 million for the city's General Fund; projected to occur in FY 2026. A 10% allocation of this total is \$530,000 (current policy allocates 2% = \$106,000). The Health Department is still in the early stages of developing its program for youth substance abuse prevention and conceptually estimates upwards \$5 million plus additional staffing to provide this service for 170,000 youths. Currently, the department does not have the capacity to service this number of youth. The Health Department will be able to estimate future needs and costs after the initial pilot program concludes.

Q8. In LPD's opinion, what percentage of the marijuana excise tax revenues would be appropriate to allocate to DHD to allow the department to reach all of Detroit's youth?

As noted in the response to question 7 above, the Health Department conceptually estimates that \$5 million is needed to reach all of Detroit's youth. As projected (see Table 2 above), revenues are estimated to reach above \$5.2 million by 2025, and \$5.3 million in 2026 if all 100 Detroit retailers are open-operating (future estimates include 3% growth rate but does not factor in proportionately reduced revenues from retail openings state-wide).

Q9. Based on LPD's response to the questions above, what steps can City Council take to ensure that all youth are covered and have sufficient access to substance abuse programming?

The City Council pursuant to the City Charter has oversight authority under Article 4, Section 4-109 to make investigations into the conduct of any city agency including but not limited to ascertaining whether the city's youth are being covered sufficiently under the substance abuse programs. In addition, as City Council deliberates over the Mayor's proposed budget during the budget process, the budgetary authority granted City Council under Section 8-205 of the Charter, gives Council the ability to amend by deletion, addition or substitution the amount of funding that may be provided to facilitate a substance abuse program that can cover all the youth in the city. Furthermore, City Council has the authority under Section 4-114, to adopt ordinances that may revise the percentage of marijuana tax revenue given to assist in the implementation of youth substance abuse programming.

The Legislative Policy Division would like to thank all the city departments that responded to this inquiry. We express our appreciation to Attorney Kim James and Mr. Malik Washington, Mayor's Office in assisting with this effort. The Detroit Health Department plan to submit a response to these questions under a separate communication.

If Council Member Whitfield- Calloway and/or this Honorable Body would like LPD staff to explore this issue further, we are available, at your convenience.

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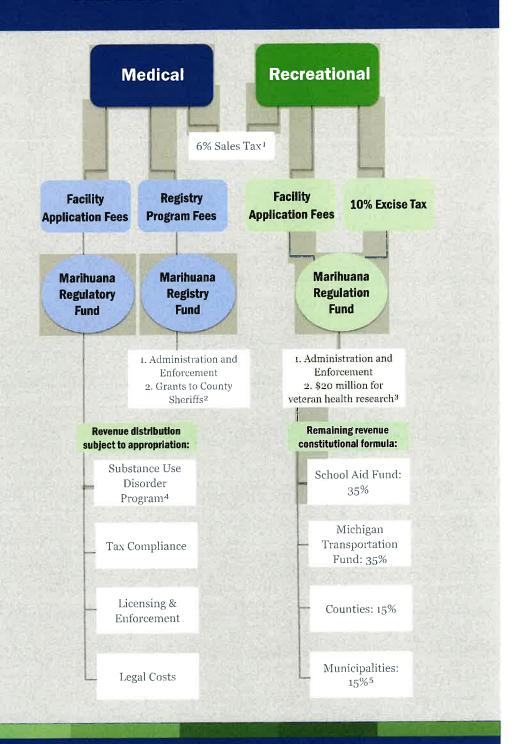
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¹² In fact, in Council's Closing Resolution for the FY 2025 budget process, Council states that "DHD currently receives 2% of the total City of Detroit state marijuana tax revenue allocation; however, the goal is to increase this amount to 10% based upon identified youth substance use prevention needs."

Attach ment 1

Marihuana Revenue

Michigan Medical and Recreational Marihuana Revenue Distribution



Both medical and recreational marihuana sales are subject to a 6% sales tax. Revenue is distributed to the School Aid Fund, constitutional revenue sharing, and the General Fund.
Grants to county sheriffs are distributed proportionately based on the number of medical marihuana registry 1D cards issued to, or renewed by county residents. Expenditures are restricted to education and outreach efforts surrounding marihuana use.



- \$20 million for research on the efficacy of marihuana in treating veterans and preventing veteran suicide applies until 2022.
 The Substance Use Disorder program is funded and administer through the Department of Health and Human Services.
- Municipalities may charge additional fees up to \$5,000 for a marihuana facility license

SFA Staff Contact: Elizabeth Raczkowski, Fiscal Analyst, For more information: "Michigan Regulation and Taxation of Marihuana Act", State Notes, Spring 2010

Attachment 2

Marijuana Regulation Fund & Distributions

per May 2024 State CREC Estimates

in millions of \$

			Actual			Fore	eca	st		
City Fiscal Year	FY 2022		FY 2023	FY 2024	FY 2025	FY 2026		FY 2027	FY 2028	FY 2029
Net Excise Tax Revenue Collected	\$ 140.8	\$	198.4	\$ 290.3	\$ 342.7	\$ 357.9	\$	372.2	\$ 387.1	\$ 402.6
Growth Rate, Excise Tax			40.9%	46,3%	18.0%	4.4%		4.0%	4.0%	4.0%
35% to MI School Aid Fund	49,3		69.4	101.6	119,9	125.3		130.3	135,5	140.9
35% to MI Transportation Fund	49.3		69.4	101.6	119.9	125,3		130.3	135.5	140.9
15% to Counties	21,1		29,8	43.5	51,4	53.7		55.8	58.1	60.4
15% to Municipalities	21.1		29.8	43.5	51,4	53,7		55.8	58.1	60.4
Award per License	\$ 56,453.44	\$	51,841,21	\$ 59,086.35	\$ 61,784.86	\$ 63,152.88	\$	64,602,29	\$ 66,815.19	\$ 69,487.79
City Estimate	\$ -	\$	-	\$ 1.95	\$ 3.65	\$ 5.24	\$	6.46	\$ 6.68	\$ 6.95
Estimated Detroit Facilities				33	59	83		100	100	100
Statewide Active Licenses	374		574	737	832	850		864	869	869
% Detroit Share	0%	,	0%	4%	7%	10%		12%	12%	12%
Growth Rate, Detroit Share					87%	44%		23%	3%	4%

Notes

- Assumes statewide active licenses will plateau in 3 years
- Assumes Detroit distributes all retailer licenses by September 2025

Sources:

May 2024 State CREC Estimates State of Michigan, Cannabis Regulatory Agency; licenses as of 9/30 January 2024 State CREC Estimates

Worksheet from OCFO- Office of Budget-Detroit Revenue Estimating Conference- Sept 2024 2022 574 licenses 198.4m collected 2023 737 licenses 290.3 m collected

			2024 Nev			
4/14/24	- 785 active	etailer licer	ses; record	monthly sal	es March 20:	24 of \$286.