Pseudo-Underage Assessment of Compliance with ID Regulations at Retail Marijuana Outlets in Colorado

David B. Buller, PhD - Klein Buendel, Inc. • W. Gill Woodall, PhD - Klein Buendel, Inc. • Robert Salz, PhD - Pacific Institute for Research and Evaluation • Randall Stanford, PhD - University of New Mexico

MEASURES & PROCEDURES

Pseudo-underage Buyer Team:
- A single trained pseudo-underage buyer team consisted of a non-Hispanic male and a Hispanic female.
- Individuals were aged 21 and older and were selected because they appeared young, possibly under age 21.

Pseudo-underage Buyer Protocol:
- The team visited each retail outlet once on four weekdays in August 2015.
- Visits occurred between 11 am and 5 pm at various times of high customer load, when the pseudo-underage buyer might enter unobserved.
- At each visit, one person acted as the buyer (male in white, female in red) and the other was the observer, balanced on gender.
- The observer entered the retail outlet first, conducted an unobtrusive environment scan, and positioned themselves where they could observe the buyer-customer interaction.
- The buyer approached the retail outlet two minutes after the observer entered and attempted to enter the outlet and make a purchase attempt.
- If the buyer claimed they were under age, the buyer politely thanked them and left.
- If the buyer was allowed to enter the outlet, the buyer approached a clerk, purchased the cannabis product on offer, and requested to purchase pseudo-purchases. Once the clerk requested payment, the buyer handed over cash, noted he/she did not have enough money and left.
- The buyer completed the purchase attempt and departed, the observer watched two minutes, observing any comments made by the clerk, and then left the retail outlet.

RESULTS

Table 1: Characteristics and Signage of the Retail Marijuana Outlets

<table>
<thead>
<tr>
<th>Type of Outlet</th>
<th>Retail outlet</th>
<th>Retail outlet</th>
<th>Retail outlet</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>148</td>
<td>144</td>
<td>136</td>
<td>428</td>
</tr>
<tr>
<td>Location</td>
<td>Retail outlet</td>
<td>Retail outlet</td>
<td>Retail outlet</td>
<td>Total</td>
</tr>
<tr>
<td>Multiple States</td>
<td>107</td>
<td>86</td>
<td>71</td>
<td>264</td>
</tr>
<tr>
<td>Single State</td>
<td>41</td>
<td>58</td>
<td>65</td>
<td>164</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Feature</th>
<th>148</th>
<th>144</th>
<th>136</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid ID Requested for ID</td>
<td>148</td>
<td>144</td>
<td>136</td>
<td>428</td>
</tr>
<tr>
<td>ID Requested for ID</td>
<td>39</td>
<td>16</td>
<td>17</td>
<td>62</td>
</tr>
<tr>
<td>ID Requested for ID</td>
<td>39</td>
<td>16</td>
<td>17</td>
<td>62</td>
</tr>
</tbody>
</table>

CONCLUSION

- Compliance with laws restricting access to retail outlets selling marijuana to individuals 21 or older possessing a valid ID was extremely high.
- Refusal rates exceeded those for alcohol sales and are similar to those for tobacco sales.
- Refusal rates were higher than those reported by Washington State (84%–86% in 2015) and on par with Colorado regulators’ (93%) for compliance with laws restricting access to retail outlets selling marijuana to individuals 21 or older possessing a valid ID.

- Explanations for the high compliance:
  - Licenses for retail outlets are limited and require large financial investments.
  - The retail industry may be concerned that cannabis sales are illegal and taxes are being brought to the state.
  - McCain and Buckley (2014) found that legal medical marijuana sales and decision to allow only medical marijuana sales to sell retail cannabis during the first 9 months may have increased vigilance.
  - Undisclosed media coverage could have had an observed vigilance for fear it would erode the public’s tolerance.
  - Retailers proactively worked with the industry, performed compliance checks, and conducted on-job training.
  - Compliance may decline as the marketplace matures.
  - Police presence and normal operation of retail sales increases, and more outlets will likely be observed.

- Compliance might be lower if buyer teams visited outlets on weekends or evenings when customer load is high and personnel are distracted.

- Most of the signs were aimed at keeping underage individuals out.
- The compliance check protocol modified from alcohol and tobacco field work required assessing refusal rates by retail marijuana outlets.
- Not producing an ID is an underestimate individuals’ ability to purchase marijuana because they are easily compliant.
- Using high-quality fake IDs and with experience purchasing marijuana were more successful.
- The high refusal rates suggest the retail market at present may not be a direct source of marijuana for underage individuals.
- Compliance with state regulations on ID checking might be enhanced through routine and effective training in responsible marijuana sales practices.

- Strengths and Limitations:
  - Relevant locations were selected from across metropolitan and rural locations.
  - Sample of outlets was small and limited in area.
  - Only a single pseudo-customer team was not used to control for pseudo-customer variation.

REFERENCES