

**Testimony on SB 281**  
**Oregon Senate Committee on Healthcare and Human Services, February 7, 2013**

Madame Chair and Committee,

Thank you for considering the addition of Post-Traumatic Stress Disorder (PTSD) to the list of qualifying medical conditions under the Oregon Medical Marijuana Act a serious-enough matter to dedicate this much of your agenda to so early in the session.

I'm a horticultural scientist and public policy consultant, specializing in medicinal cannabis at CAN! Research, Education & Consulting in Corvallis, Oregon. Living in rural Philomath, I'm a constituent of Senator Brian Boquist, who introduced SB 281 bill at my request.

The Oregon Health Authority is charged by statute (ORS 475.334) to adopt rules for evaluating petitions for particular diseases or conditions to be included among those that qualify as debilitating medical conditions under ORS 475.302.

The Department of Human Services, which administered the OMMP from its inception in 1999 until 2009 promulgated such rules (OAR 333-008-0090), which involved convening an expert panel to review the petition and make recommendations to the Department regarding approval or denial. Minor changes have been made to these rules since the OMMP moved to the Oregon Health Authority.

Unfortunately, these rules have proven to be inadequate for ensuring a fair review and decision-making process for the following reasons:

- Lack of protection against bias, prejudice & conflict of interest in both panel selection criteria as well as the decision to approve or deny petitions.
- Lack of requirement for decision to be based upon objective scientific evidence
- Meetings of the expert panel are not public meetings
- Lack of consideration for the effective Federal ban on clinical research on the benefits of medical cannabis by the Drug Enforcement Agency (DEA), The Food & Drug Administration (FDA), and the National Institute on Drug Abuse (NIDA), which strongly support only research into the potential harms of cannabis use.

These serious flaws amount to a review process that fails to ensure petitions to add debilitating medical conditions will be reviewed fairly. This was manifest on both occasions (2000 & 2009) when expert panels were convened to review petitions to add Post-Traumatic Stress Disorder (PTSD) among other psychiatric conditions. The composition of both seven-member panels included three advocates of medical cannabis, three unwavering opponents of the use of

medical cannabis, and the State Public Health Officer, who sided with the opponents and thus denied petitions for all conditions except that to add Aggravated Alzheimer's Disease.

In June, 2012, the Public Health Division was finally convinced that these flaws necessitated an overhaul of the review process. Thus, a Rules Advisory Committee, which I was appointed to, was convened to recommend changes to OAR 333-008-0090 with the goals to:

1. Establish protections against bias, prejudice, and conflicts of interest (not met)
2. Enhance accountability and transparency (partially met)
3. Establish clear criteria for decision-making (partially met)
4. Establish fair selection criteria of experts (partially met).
5. Streamline the process for greater efficiency and cost savings (met with this rule change).

The Oregon Health Authority's Advisory Committee on Medical Marijuana (which I serve as Chair), the Rules Advisory Committee (which I was appointed to), and most people who testified during the public comment period all strongly recommended that the above-goals be met with the finalized rule.

In the finalized text, as noted previously, only one goal was fully met, most were partially met, and the most important goal – to establish protections against bias, prejudice, and conflict of interest – was not met at all.

Because the new rule will not ensure an objective review of future petitions to add debilitating medical conditions, and due to the bias that existed in the prior two petition processes, patients who suffer from PTSD and other debilitating conditions are *still* unable to rely upon the administrative process to consider their condition fairly. Therefore, addition of debilitating conditions by statute is the only remaining way to ensure people suffering from medical conditions that are safely & effectively treated with medicinal cannabis can be protected for their use of medicinal cannabis.

Following this group's testimony will be medical experts and those who suffer from PTSD to demonstrate both the safety & efficacy in treating PTSD with cannabis, as well as the urgency for adding PTSD to the Oregon Medical Marijuana Act's list of qualifying debilitating medical conditions.

Please support SB 281 with a 'do pass' recommendation so Oregon can become a place where returning combat veterans and others suffering from horrible trauma can feel more safe and protected.

Healthfully,

