



**Testimony of Becky Straus, Legislative Director
In Opposition to SB 1531
Senate Committee on Judiciary
February 11, 2014**

Chair Prozanski and Members of the Committee:

Thank you for the opportunity to testify today in order to raise concerns about SB 1531, a bill to authorize cities and counties to regulate, restrict, or ban altogether marijuana dispensaries. We respectfully request that you do not move forward with this legislation.

Voters approved the Oregon Medical Marijuana Act (OMMA) in 1998 and it has been amended several times by the legislature. The purpose of OMMA was to permit Oregonians suffering from debilitating medical conditions to be able to use marijuana to relieve their symptoms without being in violation of Oregon criminal law.

In the 2013 session, this legislature passed HB 3460 that established a system under the Oregon Medical Marijuana Program to license and regulate the estimated 150 or more medical marijuana facilities operating in Oregon today, allowing patients, growers and medical marijuana facilities to legally work together to ensure that patients have safe access to medicine they need.

In recent months, the ACLU has been contacted by several individuals concerned about proposals pending at the local level related to OMMA. These proposed ordinances seek to excessively regulate patients who obtain an exemption from criminal liability under state statute by participation in the OMMA registry, and impose fines for failure to comply with the new local requirements. Some proposals would ban access altogether in that locality.

We believe that these local proposals are clearly pre-empted by state law. OMMA is extensive in the requirements imposed on registrants and their caregivers. In addition, ORS 475.338 mandates that the Oregon Health Authority “**shall adopt all** rules necessary for the implementation and administration” of the Act. Rather than reaffirm that state law pre-empts these ordinances, SB 1531 would open the door to more such local proposals that would effectively strip registrants of their ability to obtain medical marijuana if they don’t submit to highly invasive regulations or, in some cases, completely.

The State has occupied the field of medical marijuana regulation and we believe strongly that such pre-emption should remain in place.

Thank you for your consideration and please feel free to be in touch at any time with questions or comments.