

February 11, 2012

Floyd Prozanski
Chairman Senate Judiciary Committee
Oregon State Capitol
900 Court Street
Salem, OR 97301

Dear Chairman Prozanski and Committee members,

In the next month the Oregon Legislature faces a critical choice: will it contribute to marijuana legalization policy or will it stand on the sidelines while others decide state policy on this issue.

For decades, both of us have participated in the criminal justice system as career prosecutors. Each of us was in charge of the drug division of the Multnomah County District Attorney's Office. Each of us has participated in the state political process to forward what we saw as important goals within the criminal justice system. Each of us has his own private view regarding the legalization of marijuana.

Together, however, we have reached one clear conclusion: the debate over whether marijuana should be legalized in this state is over. Oregon voters are going to do it as they have made many other policy decisions, good and bad, during the long history of the initiative system in our state.

Several years ago voters nearly passed a bad initiative measure that would have had the practical effect of eliminating all controls on the production, transportation, sale, and use of marijuana. Since that time, voters in Colorado and Washington legalized the recreational use of marijuana. This election cycle, legalization proponents are better organized, and more importantly, better financed. Based upon their success in Colorado and Washington, those not in denial can have no serious doubt about the outcome here.

Still the Oregon Legislature has a vital role to play if it will summon the will to play it. That is because the question of legalization may have been decided, but the question of how marijuana will be legalized is still very much an open one. We have reviewed the various legalization initiatives that are currently filed. Oregonians will choose between one or more of them this November if nothing is done. Unfortunately, although some are better than others, none of them presents a truly responsible framework for legalization.

As both the Governor and Rep. Floyd Prozanski have recognized there is only one possible source if a responsible framework is to be found: the current session of the Oregon Legislature.

Extensive medical research indicates that the use of marijuana poses serious health

risks, including cancer, respiratory problems, and diminished functioning of the brain. Because the human brain does not fully developed until adulthood, young people are particularly at risk. Medical research demonstrates that heavy marijuana use in adolescents interferes with the natural development of the brain, which in turn can result in a substantial reduction in IQ or as a trigger for the early onset of schizophrenia. These known risks are particularly troubling because some studies indicate the use of marijuana among teenagers is significantly higher in states that have legalized the use of medical and recreational marijuana.

While differing in major aspects, all the prospective measures fall short of the necessary safeguards to protect the public, particularly Oregon's youth.

To avoid a marijuana regulation free zone and the resulting health care crisis, the Oregon Legislature needs to act quickly towards the adoption of a strict marijuana control system similar to the Oregon Liquor Control Commission; a system that would tightly control all aspects of the production, distribution, sale, and use of marijuana. Only with the establishment of a strict marijuana control system will Oregon be able to guarantee the quality of the product provided to the public, eliminate the diversion of marijuana to the black market, and minimize the availability of marijuana to Oregon's youth.

If the short session of the Legislature is insufficient to hone the details of a responsible legalization framework, Oregon voters should be provided with an alternative that allows them to vote on the legalization question with legalization to be effective only under a responsible regulatory framework and only after the next legislative session has had an opportunity to design that framework under clear guidelines that would be spelled out in a measure referred to voters.

The easy thing would be to not act. We hope all sides of the marijuana debate will see that the responsible thing is to provide Oregon voters with a responsible alternative.

All this said, we do have some concerns with the specifics of SB 1556 as currently drafted. Most importantly, we believe that having an effective of January 1, 2015, before the Legislature has an opportunity to act on a regulatory framework, could have significant adverse consequences. We would hope that the Legislature would aggressively seek out advice from current law enforcement professionals before settling on the specifics of SB 1556.

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